United Nations A/HRC/WG.6/19/PRT/1

General Assembly

Distr.: General
4 February 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*

Portugal

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1. The UPR Working Group reviewed the situation in Portugal in December 2009, at its 6th session. Portugal accepted 86 out of the 89 recommendations. Since then, Portugal has made a committed effort to thoroughly implement the recommendations that were accepted. A mid-term report on progress achieved was presented to the Human Rights Council (HRC) in February 2012.

2. The UPR mechanism has, in Portugal's experience, helped to better address challenges faced, discuss the best way forward and adopt the necessary initiatives.

I. Methodology and process followed in the preparation of report

3. This report was coordinated by the Portuguese National Human Rights Committee (PNHRC)[1] on the basis of contributions from its members, namely the departments responsible for Foreign Affairs; Defence; Internal Administration; Justice; Economy; Environment, Territorial Planning and Energy; Agriculture and Sea; Health; Education and Science; Solidarity, Employment and Social Security; Culture; Media; Immigration and Intercultural Dialogue; Citizenship and Gender Equality; Sports and Youth; Statistics, as well the Ombudsman and the Prosecutor General's Office.

4. Prior to the report's submission to the UN, a draft version was discussed with civil society representatives in a PNHRC meeting on 16th January 2014.

II. Main developments since the previous review

5. The establishment of the PNHRC in April 2010 is a milestone. The PNHRC has enhanced coordination and information sharing on Human Rights issues within the Portuguese Public Administration and has strengthened dialogue and consultations with civil society. The PNHRC has enabled the timely submission of national implementation reports to the UN Treaty Bodies. Portugal currently has no reports overdue.

6. Since 2009 Portugal ratified a significant number of human rights and humanitarian law treaties. Portugal is now party, without any reservations, to eight UN core human rights treaties and all their optional protocols, recognizing the full range of competences of the respective committees. Portugal is part of the Council of Europe (CoE) human rights system and is under the scrutiny of, *inter alia*, the European Court of Human Rights (ECHR) and European Committee of Social Rights. Portugal also has a standing invitation to all HRC special procedures.

7. A number of comprehensive hu man rights policy instruments have been approved: the 4th and 5th National Plans against Domestic/Gender-Based Violence (2011–2013 and 2014–2017); the 4th and 5th National Plans for Equality (2011–2013 and 2014–2017), the 2nd and 3rd National Plans against Trafficking in Human Beings (2011–2013 and 2014–2017), the 2nd and 3rd Programme of Action for the Elimination of Female Genital Mutilation (2011–2013 and 2014–2017); the 1st National Action Plan on the Implementation of Security Council Resolution 1325 (2009–2014); the 2nd Plan for Immigrant Integration (2010–2013); the National Strategy for the Integration of Roma[2] Communities (2013–2020); the National Strategy for Disability (2011–2013). Innovative projects have also been put in place to advance the rights of the elderly and persons with disabilities and to prevent domestic violence.

III. Promotion and protection of human rights on the ground and follow up to previous review

A. Ratification of international instruments (recommendations 101.1–4[3])

8. Portugal ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 28th January 2013, the Optional Protocol to the Convention against Torture (OPCAT) on 15th January 2013 and the International Convention for the Protection of All Persons from Enforced Disappearance on 28th January 2014.

9. The Ombudsman was appointed as National Preventive Mechanism (NPM) under OPCAT and immediately began its inspection work.

10. Portugal also became a Party to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPCRC-communications), the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless Persons, the Convention on Cluster Munitions.

11. Within the Council of Europe framework, Portugal ratified the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Convention on Preventing and Combating Violence against Women and Domestic Violence and the European Convention on the Exercise of Children's Rights. Internal procedures are ongoing for the ratification of Protocols 12 and 15 to the European Convention on Human Rights and Additional Protocols to the Convention on Human Rights and Biomedicine concerning transplantation of organs and tissues of human origin, and biomedical research.

12. Portugal also ratified the ILO Conventions concerning the Protection of Workers' Claims (Employer's Insolvency), revision of the Maternity Protection, and Safety and Health in Agriculture.

B. Racism, racial discrimination, integration of migrants and marginalised groups

Human rights education and training and awareness-raising, with a view to combating racism and discrimination and promoting the integration of migrants and marginalised (recommendations 101.6–7, 102.10)

13. The High Commissioner for Immigration and Intercultural Dialogue (ACIDI) continued its efforts in this regard, notably within the 2nd Plan for Immigrant Integration. For instance, the initiative "Promotion of intercultural life at local level" was launched, comprising multiple activities in the areas of education, work, health, integration of migrants, participation in local life, awareness-raising and participated budget, implemented on the basis of public/private partnerships involving migrants and locals. TV and radio programmes, and two annual prizes for media works promoting human rights and tolerance, have been created. Seminars and other events were held, including cultural festivities and commemoration of international days. Several publications on migration and asylum-related issues were edited and distributed, including the Portuguese versions of IOM Glossary on Migration and the "Diversity toolkit for Factual programmes in public service television" of the European Union Agency for Fundamental Rights.

14. The Commission for Citizenship and Gender Equality (CIG) and ACIDI published two leaflets for immigrant communities. The first, "Say no to Domestic Violence" was published in Portuguese, Russian, Romanian, Chinese, English, Ukrainian, and French; the

second, on Citizens' Rights, Gender Equality and Parenthood, was published in Portuguese, Russian, Romanian, Chinese, English and French.

15. Portugal ranks first among participating countries in the EU's "Next Door Family" project, where local and migrant families visit each other, with the highest number of families involved. The Portuguese Institute for Sports and Youth is coordinating, in collaboration with ACIDI, CIG, the Directorate General for Education and several civil society organisations, the implementation of CoE's "No Hate Speech Movement" campaign. Several activities have been undertaken to stimulate integration through sports, namely the promotion of korfball (only team sport that requires gender balance), the signature of a protocol with the Professional Soccer Players' Union for the development of awareness-raising initiatives, the organisation of a flash mob with children from Programme *Escolhas*/Choices (see below) and the exhibition of posters in sports events.

16. Workshops and seminars for media professionals were held throughout the country, including on how to address migration issues, diversity, asylum/refugees, disability and violence. A list of migrants with prominent work has been prepared and disseminated among media professionals. In 2011, the Commission for Equality and Against Racial Discrimination- (CICDR) reiterated a recommendation that the media and law enforcement agencies refrain from revealing the nationality, ethnicity, religion or migrant status of persons in their communications.

17. There were also some noteworthy developments in the field of sexual orientation and gender identity. The 4th National Plan for Equality included a strategic area on sexual orientation and gender identity. In 2011, legislation was enacted to allow the recognition of gender identity without prior surgery and to accelerate procedures for name and gender change. In February 2013, gender identity was included in the legal definitions of the crime of discrimination and bias-motivated crimes (qualified homicide and qualified offense to physical integrity) under the Criminal Code (CC). In July 2013, the first-ever governmental campaign against homophobic and transphobic bullying was launched by CIG. The first Sector Plan on Gender Equality adopted by the Ministry of Internal Administration defines as one of its main focus raising the awareness of staff (including police officers) to gender and sexual orientation issues. A working group on violence and hate crimes against LGBT people was established by the security forces. The Student Status and School Ethics Act (SSSEA), approved in September 2012, also tackles discrimination and abuse based on sexual orientation or gender identity.

Combat acts of discrimination, racism and incitement to racial hatred; Punish perpetrators and closely monitor relevant movements and groups (recommendations, 101.8–9, 102.7, 102.9)

18. Racial, religious and sex discrimination constitute an autonomous crime, which covers organised propaganda activities inciting hatred and acts of violence, threats and defamation on the basis of racial, religious or sex discrimination, including sexual orientation and gender identity. Furthermore, such crimes, as well as any other crime with discriminatory or hatred motivation, are classified as crimes of priority prevention and investigation. Motivation on these grounds constitutes a general aggravating circumstance applicable to all crimes.

19. Police forces continue to collect and analyze information regularly (in particular by monitoring relevant Internet activity and engaging in surveillance activities) and participate in national and international cooperation efforts, including in liaison with investigation departments.

20. A special tool has been made available in the CICDR website to facilitate complaints and speed up action against any blog or site disseminating racism.

Combat racial profiling and discriminatory practices towards racial/ethnic minorities and immigrants (recommendation 101.10)

21. Police authorities refrain from revealing a subject's race or ethnicity in official communications and are bound by the prohibition of discrimination. This feature of police activity is included in general and specific training activities, seminars and conferences for law enforcement officials (including prospective peacekeepers), as part of their initial, ongoing and/or complimentary training.

22. The principles of equality and non-discrimination – and corresponding duties – are also expressly provided for, *inter alia*, in the codes of ethics for border control officers (approved in June 2013) and police staff, as well as in the Code for the Enforcement of Sentences and Deprivation of Liberty Measures (approved in October 2009) and in the General Regulations of Prison Facilities (adopted in April 2011) which guarantee for instance, the provision of special food in accordance with one's religion or belief.

Promote and protect the rights of persons belonging to minorities and counter the discrimination and social exclusion faced by Roma communities, namely in such areas as housing, education, employment and health care (recommendations 101.11–13, 36–39, 103.14–15, 103.16–17)

23. The National Strategy for the Integration of Roma Communities (2013–2020) was adopted following an intensely participated process with the involvement of all government departments, civil society organisations, academia, experts and representatives of Roma communities, all of which participate in a Consultative Council established in June 2013. The Strategy comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting dimension covering discrimination, mediation, education for citizenship, social security, valuation of Roma history and culture, and gender equality.

24. A Pilot Project for Municipal Mediators was launched in October 2009 (and expanded in 2011) whereby mediators, preferably local residents of Roma origin, are trained and deployed to local services or facilities. Police officers are also being trained to act as mediators in Roma communities, and the police signed local security contracts with other actors to enhance community integration and security.

25. Roma communities benefit from many of the measures in place for the general population, including Social Insertion Income, housing programmes, social protection and access to the National Health Service (NHS). In some cases, Roma communities represent a significant percentage of beneficiaries of these measures (e.g. social housing). The police developed a Project on Investigation and Support to Specific Victims (IAVE) aimed at catering for the special needs of vulnerable victims, including ethnic minorities, women, children, the elderly and persons with disabilities. Partnerships have been established, including with central government agencies and NGOs. The Model on Community Policing covers issues such as intercultural dialogue, allowing for the development of activities particularly tailored to the needs of, *inter alia*, migrants and ethnic minorities, and a specific training module on Portuguese Roma has been created.

Prevent and punish discrimination against, facilitate assistance to, and promote the integration of immigrants, asylum-seekers and the Roma (recommendations 101.41–43, 102.11, 102.21)

26. Initiatives were adopted in 2010 and 2011 to raise awareness against discrimination, including a national photo and video contest, the display of banners in soccer stadiums, a symposium on immigration and intercultural dialogue and the publication by the Immigration Observatory of Study on racist speech in Portugal[4]. Training on combating

racial discrimination has been provided to entities such as NGOs, migrant associations, schools and universities.

27. ACIDI supports immigrants and victims of racial discrimination through, *inter alia*, 3 national and 87 local immigrant support centres across the country, as well as through an Immigrant Legal Support Office providing free-of-charge legal advice and mediation services in such areas as nationality, employment, social security, exercise of rights and access to justice. In May 2012, ACIDI and the Ombudsman signed a Protocol in order to improve assistance to migrants, comprising the dissemination of relevant information, support to prospective complainants (and, in a limited number of cases, action on their behalf), supply of documentation and referral to Legal Support Offices. ACIDI is also supporting a Victim Support Unit run by the NGO APAV[5], which provides free-of-charge legal and psychological assistance to immigrants and victims of racial discrimination (UAVIDRE). A Census Support Office opened in March 2013.

28. Immigration authorities run programmes to support, *inter alia*, sick persons, the elderly and children, including migrant children in irregular situations. Furthermore, Programme *Escolhas*/Choices, aimed at promoting the social integration of 6–24 year-olds from disadvantaged social backgrounds, many of which are of migrant or Roma descent, is now in its 5th edition (2013–2015), and 110 projects will be funded there under. The subject "Portuguese Non-Mother Tongue" was introduced as a new curricular area in basic and secondary education, and a large number of training activities have taken place in this context. In May 2012, a ministerial order was issued to clarify the right of access to NHS of migrants in an irregular situation staying in Portugal for over 90 days.

Closely monitor the situation relating to racial discrimination, including data collection, with view to evaluate the situation of different groups (recommendations 102.8, 103.4)

29. The crime of racial, religious and sexual discrimination is investigated *ex officio*. In addition to police and judicial authorities dealing with criminal cases, several other entities can examine complaints of racial discrimination, including the CICDR (administrative procedure, which may result in the imposition of a fine), the Ombudsman (mostly in cases committed by public entities) and the National Authority on Working Conditions.

30. Data is collected on crimes of racial, religious or sexual discrimination and on people convicted for murder and assault crimes with racist motivation. It is disaggregated by the offender's nationality and by type of crime, not by race or descent due to existing legal constraints. Portugal has requested an independent institution to conduct a comparative law study in order to determine how countries with similar law systems deal with such recommendations.

C. Gender equality and combating violence against women

Prevent, combat, prosecute and punish violence against women, including domestic violence, and to protect victims (recommendations 101.15–18, 102.12–14, 103.5–6)

31. Combating violence against women and domestic violence remains a priority for Portugal, as reflected, *inter alia*, in the 4th and 5th National Plans against Domestic/Gender-Based Violence that focus on information, protection, prevention, training and investigation.

32. Domestic violence, expressly provided for and punished under the CC, is prosecutable *ex officio* and constitutes a prevention and investigation priority crime. In February 2013, legal amendments were introduced in order to extend the concept of domestic violence to dating and other intimate relationships without cohabitation.

Concerning issues of "prosecution and punishment", we recall that Portugal has accepted recommendations 103.5 and 103.6 "on the understanding that they are to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of legislation and other administrative measures". Data on the relationship between defendant and victim in murder crimes are now collected, and efforts have been made to standardise reporting and data collection procedures (in courts, prosecution services and police stations) concerning victims of domestic violence, results of investigations and final court decisions, including the creation of a website and a database.

33. Special teams to investigate crimes of domestic violence, to undertake preventive action and to deal with victims in police stations have been established. Public prosecution is developing integrated responses to accelerate the investigation of crimes of domestic violence and adequately protect victims, including women, children and the elderly. Guidelines and technical assistance are being provided to help courts assess the risk of re-occurrence of domestic violence. Violence against elderly women has recently been an issue of particular focus, with the active participation of law enforcement agencies and public prosecutors in the EU Project "Mind the Gap" (comprising research, awareness-raising and training activities, and exchange of best practices).

34. Prevention efforts include measures to reduce social acceptance of domestic and gender-based violence, promote equality, eliminate gender stereotypes and empower women and girls, such as annual awareness-raising campaigns to inform women of their rights and promote their ability to report. Specific training sessions have been provided to, *inter alia*, social workers, public prosecutors, security forces, teachers and medical staff.

35. Measures have been adopted in the area of forensic medicine, such as training courses for medical experts dealing with domestic violence cases, scientific meetings, protocols to coordinate interventions in this area and the creation of a dedicated hospital unit, with specific rules of procedure, to help victims.

36. The protection of victims is also pursued through such means as: establishment of individual security plans in high-risk situations; enhanced coordination between civil and criminal courts in divorce, child custody cases or domestic violence cases; improvement of screening mechanisms, in particular for pregnant women; dissemination of pilot projects in the areas of mutual support groups and health (e.g. specialised multidisciplinary teams for adults and children in health units, and preparation of a best practice guide on violence throughout the life cycle); creation of a 24-hour transportation service for victims and their children; provision of shelter to victims within existing social responses; and facilitation of victims' access to housing (such cases are already considered a priority in some re-housing schemes, e.g. in Azores, and, in August 2012, a protocol was signed between the Government and the National Association of Portuguese Municipalities with a view to providing low-cost housing to victims of domestic violence upon leaving the shelter). A specific system to support victims' access to professional training and the labour market was set up, with the appointment of focal points in employment centres and measures to prioritise such cases and avoid exposure in employment centres, as well as to promote positive action towards women with low skills and in single-parent families (e.g. payment of 60% of their salary). Victims' children are given priority access to child support services and specific intervention strategies have been developed for particularly vulnerable victims such as elderly persons, migrants, persons with disabilities and LGBT persons.

37. A number of provisions have been introduced to regulate aspects covered by the Act on the prevention of domestic violence and on the protection of and assistance to its victims, adopted in September 2009. These include the recognition of the status of victim (to all alleged victims as soon as a domestic violence incident is reported); the urgent nature of domestic violence proceedings (a Constitutional Court decision of 2012 has underlined the urgent nature of these cases); the use of remote surveillance means to control

perpetrators (mandatory since February 2013); assist victims with free-of-charge and easy to use devices, in direct connection with the police 24-hours a day; possibility to arrest perpetrators even if not caught in the act; victim's right to redress; and the provision of legal, medical, social and labour support. Legal counselling to victims of domestic violence is provided by lawyers appointed by the Bar Association. The victim has the right to be informed of, *inter alia*, how to file a complaint, procedures to follow, available public and private support services and compensation options. In October 2010, the system to ensure advance compensation payment, by the State, to victims of violent crimes and domestic violence was improved through the reinforcement of the competences of the Commission for the Protection of Crime Victims.

38. Prevention of re-offending through work with perpetrators is an innovative area of intervention: a pilot project in this area has been extended in order to cover the entire Portuguese territory and programmes are ongoing, within and outside prisons, to rehabilitate and reintegrate such offenders, including through the implementation of individualised plans.

39. The 2nd Plan for Immigrant Integration seeks to protect, *inter alia*, victims of domestic violence, specifically through the provision of legal support and the possibility of granting autonomous residence permits to those who belong to reunified families (since August 2012, this can be done on the basis of accusation only).

40. The 2nd Programme of Action for the Elimination of Female Genital Mutilation (FGM) adopted in February 2011 promotes the involvement of new partners in the fight against this scourge. A number of activities were undertaken, including the wide dissemination of a poster and a leaflet for victims and relevant professionals, the organisation of training activities for relevant professional groups, the dissemination of information materials through the Internet and the holding of a high-level meeting with representatives of migrant associations. Screening of violence and abuse, including FGM, has been included as one of the assessment parameters of child health examinations, pursuant to the new National Health Programme for Children and Youth, which entered into force in June 2013. A study on the prevalence of FGM in Portugal will be carried out in 2014. CIG, the Ministry of Health and the National Commission for the Protection of Children and Youth at Risk signed a protocol which will enable the identification and registration of child protection interventions at national level. Throughout 2013, a post-graduation course on FGM for health workers working in risk areas was lectured and Guidelines on FGM for health professionals and a Procedural Guide for Criminal Police Staff were published.

Encourage reporting of marital violence, including educational measures from early childhood (recommendations 101.20–21)

41. A nationwide prevention and victim protection strategy was implemented in the last decade, in partnership with civil society. This strategy included annual information campaigns: in 2010, the focus was on encouraging reporting of domestic violence; in 2011 on marital homicides; and in 2012 on vicarious victimisation. Measures adopted by law enforcement agencies, namely within community policing strategies, include an increase in the number of agents in victim-support teams, the creation and improvement of dedicated facilities for victims in police stations, and activities undertaken within the "Safe School" programme. Initiatives specifically targeted at children and youngsters include the introduction in school curricula, from the earliest grades, of contents relating to gender equality, domestic and gender-based violence.

42. The number of domestic violence cases registered by police forces increased from 2008 to 2010 and has been decreasing since then (26678 cases in 2012). In 2009, support centres were created in order to provide legal aid and offer victims support and counselling.

The entry into force of OPCRC-communications can also make a positive contribution in this regard.

Ensure adequate funding and the creation of a monitoring mechanism in the area of domestic violence (recommendation 101.19)

43. A mechanism managed by CIG was put in place to provide technical and financial support to measures aimed at achieving gender equality, including NGO initiatives to prevent and combat gender-based violence, provide training to relevant groups and assist victims.

44. Since 2012, 3.75% of social games' revenue (e.g. lotteries) allocated to the Presidency of the Council of Ministers is used in the fight against domestic violence and promotion of gender equality. This improved funding of activities for transportation of victims, emergency accommodation and shelters, health, victim-support canters, use of electronic devices in surveillance and assistance activities, empowerment of victims, training, information and NGO support.

Extend policies and strategies on gender equality to all levels of public administration, including affirmative measures for women in all ministries (recommendation 103.3)

45. In 2011, all Ministries approved gender equality plans to integrate a gender perspective in their activities. In 2013, legislation was approved requiring local authorities to adopt municipal equality plans. By the end of that year, 49 such plans had been approved (including, for instance, the creation of shelters domestic violence victims), 112 Protocols had been signed with local authorities and 105 local equality advisors had been appointed. In 2012, the Council of Ministers decided that public companies should adopt, implement and evaluate equality plans. The Council of Ministers also recommended that private companies do likewise.

46. Within law enforcement authorities, awareness-raising and training activities on gender equality were undertaken. Facilities were improved, namely dormitories and WC. Bullet proof vests anatomically adapted to women were introduced in 2011. In schools, training sessions for teachers, textbook analysis and diffusion of online information were organised in order to disseminate the role of institutions in promoting gender equality and to implement educational curricula on "gender and citizenship" for pre-school and all cycles of basic education.

D. Children

Ensure the right of the child to non-discrimination, in particular for children and families living in poverty and belonging to minority groups, including the Roma (recommendation 101.14)

47. Projects are being implemented to provide alternative curricula, find new solutions for children of itinerant and migrant families, and enhance the benefits of intercultural living (e.g. through the organisation of holiday camps, project exchanges, parental training activities, school and family mediation and thematic meetings). Programme *Escolhas*/Choices plays an important role in this regard. A database was created to monitor the educational progress of children who attend multiple schools throughout the year. The Integrated Programme for Education and Training (PIEF), whose purpose is to promote social inclusion of children and youngsters by creating integrated responses to combat school dropout, must also be mentioned for its important achievements.

48. Access to education is guaranteed for all children, including migrant children in irregular situation. A special early childhood education programme has been created for 3

to 5 year-olds living in remote rural areas, whereby educators regularly visit these children and develop activities in accordance with the same curricular guidelines applicable to kindergartens. Holiday camps are organised across the country for children in socially disadvantaged situations.

49. Access to healthcare is also guaranteed for all children, including migrant children in irregular situation. Pregnant and puerperal women, children up to 12 years, persons with disabilities and persons in situation of proven economic failure, as well as dependents of their household, are exempt from paying NHS user fees.

Establish mechanisms to disseminate information about the consequences of violence against children (recommendation 101.24)

50. Measures in this regard include the publication of five on-line handbooks with specific guidelines for social welfare, education, health, police and media professionals dealing with child victims or at risk. A handbook for professionals dealing with domestic violence was published (a partnership between public services and NGOs) and online training courses on child abuse and neglect were launched. Since 2008, annual campaigns on the prevention of child abuse were put in place and was established a national project aimed at implementing local prevention plans with the involvement of public and private entities.

51. Several public bodies and NGOs develop activities to protect children from violence and prevent risk situations. An initiative aimed at promoting safe use of internet by the school community, in particular by pupils, has been launched, comprising training activities, a handbook and a website[6]. Magistrates have been receiving specific training on such areas as trafficking in persons, smuggling of migrants, cybercrime, parental responsibilities, family law and protection of children at risk, and protocols are being signed at the local level to enhance coordination between judicial, police, health and child protection authorities and improve the protection of children within the investigation of crimes of sexual abuse, domestic violence and ill treatment (e.g. by reducing the number of interviews of child victims, ensuring prompt medical examinations and avoiding repetition of exams). A Guide for Law Enforcement Officials on the approach to abuse and other dangerous situations was prepared. Police forces participate in awareness-raising activities in schools, as well as in social media, and support local child protection commissions.

52. The Ombudsman, which has a specific Department on Children, Elderly Persons and Persons with Disabilities, runs a toll-free telephone hotline to receive complaints from children who may be at risk, referring them to competent administrative or police authorities.

53. A number of measures were adopted in the health sector, including a revised National Health Programme for Children and Youth which prioritises the identification of, and support to, children at risk, with particular emphasis on child development, disturbed behaviour and abuse. A National Programme for the Prevention of Accidents 2010-2016 was also launched. Mental health has been in focus, with the publication of guidelines on its promotion during pregnancy and early childhood, and the creation of a Hospital Referral Network for Mental Health Care of Children and Adolescents.

54. Measures to combat trafficking in persons and protect victims place a particular emphasis on child victims. For instance, a chapter on children has been included in the annual statistical report of the Observatory on Trafficking in Human Beings (OTHB). The OTHB also organised a conference on beggary and other forms of exploitation associated with children, and undertook awareness-raising initiatives on trafficking in women and children and sexual exploitation, via the Internet, radio and TV. Portuguese authorities are

participating in the EU Catch & Sustain project, aimed at establishing a platform to prevent trafficking in children and to reintegrate victims.

Prevent and punish child prostitution, paedophilia and child pornography (recommendation 101.27)

55. Sex crimes against children have a specific criminal framework and are considered crimes of priority prevention and investigation. Statutes of limitation for these crimes do not apply until the victim turns 23 years old. Adequate premises for the examination of such victims are being created in police stations. Early-warning procedures have been put in place for disappearances of children under 14. Portuguese legislation has been amended to require the exhibition of one's criminal record by any person applying for a paid or unpaid job or activity involving regular contacts with children.

56. Sex crimes against children and the protection of victims are addressed, *inter alia*, in the initial and ongoing training of public prosecutors and police officials, for instance within sessions on family law and children. Police authorities play an important role in combating such crimes and protecting victims, especially as members of plenary local protection commissions. The Police is also engaged in awareness-raising and prevention activities at the local level and intervenes in emergency situations, in particular in the context of addiction, begging, procurement of prostitution, trafficking in human beings and risk behaviour.

57. In August 2012, Portugal ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Develop a comprehensive national strategy on the implementation of the CRC (recommendation 102.4)

58. The Initiative for Childhood and Adolescence 2009-2010 (INIA) was a national mechanism which covered the full range of children's rights in an integrated way, providing technical support with the participation of all concerned actors, including all ministries, key departments and organisations with competence on childhood and adolescence. INIA was developed during a challenging period of financial crisis.

59. Many of the measures and principles included in INIA are still priorities and reflected in the current policies/ public initiatives such as the Social Emergency Programme, with a set of measures to support children and families, and the creation of a very close partnership with social institutions which play a key role in times of crisis.

60. In May 2012, a working group on a Child Agenda was established, with the view to examine issues relating to the definition and promotion of the best interest of the child. Following their recommendations, two commissions were established in January 2014 to discuss revision of the child's protection system and the legal regime of adoption.

Study, prevent and eliminate the street children phenomenon, and to protect children, including from vulnerable populations, against child labour and other risks and to ensure their full enjoyment of all human rights (recommendation 102.5, 103.2, and 103.13)

61. A comprehensive policy to address the causes of street children was implemented, including by assisting families and addressing concerns related to adequate housing and access to education and healthcare. *Project Rua*, run in partnership with the NGO *Instituto de Apoio à Criança*,[7] seeks to reach, support and reintegrate children, their families and communities, with a particular focus on situations of drug abuse and child prostitution. Measures are also in place to address situations of missing children, especially since the establishment of the European hotline number for this purpose in 2008. The phenomenon of

street children has been gradually decreasing and is presently limited to a few cases, mainly in Lisbon, Porto and Setúbal.

62. Child labour has been in decline over the last decade, from 233 cases detected in 1999 (mostly in the building and retail sectors) to one in 2013. This evolution was possible due to the creation of specific Programmes over the last years, most recently the Integrated Programme for Education and Training (PIEF), with one of its top priorities being children at risk of child labour or children at risk of leaving school. Measures to support families, including the Social Insertion Income, as well as to diversify and adapt school curricula to the needs of different students (see above) are also relevant in this regard.

Protect the human rights of detainees' children (recommendation 102.19)

63. Efforts are underway to provide juvenile detention centres with adequate conditions for young pregnant women and those who give birth while in detention, including the elaboration of a procedural guide for centres with female residential units. Pregnant prisoners can give birth in health units outside Prison Establishments. Children can now stay with their parents until they turn 5 years old (previously, the rule was 3 years old) and staying with the father is now possible provided that the Prison Establishment meets the necessary requirements.

E. Trafficking in persons

Eliminate trafficking in persons, prosecute traffickers and provide appropriate assistance to victims (recommendation 101.25–26, 102.15–17, 103.7)

64. The 2nd National Action Plan against Trafficking in Human Beings (2011 - 2013) contributed to the consolidation of the public policies in this field. Among the measures implemented, the increase in training activities for different actors (such as labour inspectors, law enforcement, prosecutors/judges and civil society) should be highlighted.

65. The 3rd National Plan (2014–2017) is currently being implemented. It includes 53 measures under five strategic areas: preventing, raising awareness, information and investigation; education, training; protection, intervention and empowerment; criminal investigation; cooperation.

66. Training activities on trafficking in persons, smuggling of migrants and assistance to victims are held regularly, including as part of the initial and ongoing training of judges, prosecutors, police, immigration officers, labour inspectors, staff of migrant support centres and social workers. National and international experts (from IOM, ILO and Portuguese trainers qualified by UNODC/Vienna) often participate in such activities. At international level, the OTHB organised, in 2012, a training week for criminal justice practitioners from the Community of Portuguese-Speaking Countries on trafficking-related matters, a seminar on illegal migration and trafficking and a conference on domestic servitude and forced begging.

67. A number of educational tools in Portuguese on trafficking-related matters are available, including the Portuguese version of UNODC project Anti-Human Trafficking Manual for Criminal Justice Practitioners, a handbook for magistrates, OSCE Mission to Serbia/Astra Anti-Trafficking Manual for Journalists and the documentary film "Affected for Life". Information materials in different languages were published, including in the context of UNODC's "Blue Heart Campaign against Human Trafficking", launched in April 2012 (which also comprised TV and radio spots, and outdoors) as well as on such specific issues as the ILO Domestic Workers Convention and forced begging. An itinerant exhibition on trafficking in persons was on display in several schools and town halls in

2012, and specific awareness-raising projects have been undertaken for potential victims of forced labour in high risk sectors.

68. In October of 2013, a national campaign on human trafficking was launched, highlighting sexual and labour exploitation as well as begging. A documentary on trafficking in human beings was broadcast nationwide on public television in December 2013.

69. Legislative amendments have been introduced on the concept of trafficking in persons for the purpose of begging, slavery and the exploitation of other criminal activities, in addition to activities for sexual and labour exploitation and removal of organs, which were already covered. It is expressly stated that the victim's consent is irrelevant in trafficking cases and some new heavier penalties were included. Furthermore, the use of seized and confiscated instrumentalities and proceeds of crime can now be channelled to victim support programmes. Legislation was also adapted to promote more efficient investigation tools. The right of all trafficking victims to legal aid was recognised in 2012, with the elimination of the previously applicable reciprocity requirement.

70. Measures are being implemented to facilitate the identification of and assistance to victims of trafficking. A few examples are: the distribution of a "Victim-Detection Card" to help law enforcement officers, labour inspectors and NGOs; the development of standardised forms that must be used in suspected cases of trafficking; the mandatory reporting of suspected cases to a multidisciplinary team or focal point, including through the SOS Immigrant support hotline; the creation of a platform with information on national victim support structures; the improvement of the national monitoring system, by means of collecting data in a manner that enables tracking alleged trafficking cases throughout the entire legal and judicial process. The OTHB is also coordinating the European Project "Towards a Pan-European Monitoring System on Trafficking in Human Beings".

71. In 2013, the Network to Support and Protect Victims of Trafficking was implemented through protocols between public departments and NGOs on research, victim assistance or criminal investigation. This improves the quality and coordination of intervention in trafficking cases, as well as data collection, including for investigation purposes. A new shelter for male victims was created in 2013. The Portuguese government currently funds about 20 NGO projects in the area of trafficking in persons.

F. Persons with disabilities

Improve the situation of persons with disabilities and ensure equal enjoyment of their human rights (recommendation 101.5/102.1)

72. The National Strategy for Disability (2011–2013) was approved in December 2010, based upon the UN Convention on the Rights of Persons with Disabilities (CPD) and its second phase (2014–2020) is now in preparation. A set of measures, targets and indicators have been established in 5 areas: multiple discrimination; justice and exercise of rights; autonomy and quality of life; accessibility and universal design; modernisation of administrative and information systems.

73. In October 2010, a project was launched to create an independent mechanism to oversee the implementation of CPD in Portugal. Research is being undertaken and handbooks published, on such areas as women with disabilities, deinstitutionalisation of children with disabilities, accessible tourism, availability of information on disability from public bodies and implementation of the International Classification of Functioning, Disability and Health (ICF) in health and social security inquiries. Persons with over 60% incapacity are exempted from the payment of fees within NHS.

Improve access to education of children with disabilities (recommendation 101.35)

74. The National Strategy for Disability includes measures in this regard, by promoting the inclusion of children with disabilities in the regular education system, ensuring the training of specialised staff and disseminating good practices. In cases of children with developmental disorders aged 0-6, a specific system is in place providing the early intervention of health, social security and education authorities - the early intervention national system.

75. The inclusion of children with disabilities in public schooling has been promoted through as the following measures: funding of resource centres for information technologies, specialised support units, devices and relevant action plans; adaptation and distribution of books in accessible formats; deployment of therapists, interpreters, trainers, orientation and mobility experts, and pre-school educators to reference schools and early intervention teams; organisation of training and capacity-building activities in such areas as Braille language, orientation and mobility, early childhood intervention, information and communication technologies in special education and Portuguese as a secondary language in the education of deaf students; and publication of a specific guide for school principals.

G. Police violence and law enforcement

Improve the situation in prisons, ensure that law enforcement officials do not use excessive force or mistreat inmates, provide human rights training to prison staff and effectively investigate and prosecute all cases of alleged violence against prisoners (recommendation 101.28, 102.20, 103.9–10)

76. The Code for the Enforcement of Sentences and Deprivation of Liberty Measures and the General Regulation on Prison Facilities, adopted in April 2010 and April 2011, reinforce protection mechanisms for persons deprived of liberty, mainly by clearly indicating security measures admitted in prison facilities, subjecting further administrative decisions to judicial review and reinforcing the right of appeal, including upon denial of parole. Special safeguards apply to prisoners in particularly vulnerable situations. The use of electric weapons and devices to solve disciplinary problems in prisons was prohibited, and the use of any such devices must be fully registered. The Regulation on the Use of Coercive Means in Prison Facilities (RUFPF) was also revised, expressly providing for the principles of necessity, adequacy and prohibition of excess. Prisons are inspected by competent audit and inspection departments within the Ministry of Justice, often coordinated by Public Prosecutors, and any suspicion of excessive use of force or ill-treatment is investigated. The Criminal Police (PJ) has a disciplinary and inspection unit specifically trained on problems related to the fight against serious and highly organised crime and its detention facilities were inspected in November 2010. The Ombudsman undertook a general inspection of all prisons in February-March 2013 and is carrying out inspection visits to places of detention under the purview of different police forces (3 such places were inspected in 2012). Furthermore, representatives of sovereign bodies and of international organisations dealing with the rights of inmates can have access to prison facilities. Prisoners have the right to communicate freely with all such national and international control and inspection entities, as well as with diplomatic and consular entities and the Portuguese Bar Association, is recognised.

77. Concerning the prosecution of offences, Portugal accepted recommendation 103.9 "on the understanding that it is to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of appropriate legislation and other administrative measures."

78. Human rights considerations have been in focus in the initial and in-service training of prison guards, including with the participation of NGO. Portugal is engaged in a project to develop an e-learning tool for these professionals in Iberian and Latin American countries.

Prevention of ill-treatment or excessive use of force by law enforcement officials and prompt, thorough and impartial investigations into all such allegations (recommendation 101.30–32, 103.15)

79. Police stations are inspected by the competent oversight authorities/, which also receive complaints of illegal practices allegedly committed by police officials. Portugal continues to believe that these bodies perform their duties with the necessary degree of independence.

80. In Portugal, the awareness of facts that may constitute a crime, namely torture, always gives rise to a criminal investigation, conducted or supervised by the Public Prosecution. Furthermore, criminal enquiries where there has been investigation of facts related to the behaviour of police forces must be notified to the General Inspectorate of Internal Administration (IGAI) by public prosecutors, and facts related to prison establishments must be notified to the General Inspectorate for Justice Services and Audit and Inspection Services of the Directorate General for Prisons, for the launching of the relevant disciplinary proceedings. Likewise, whenever there is sufficient evidence, in disciplinary proceedings, of the perpetration of a crime, the Public Prosecution must be duly informed by the relevant internal inspection services.

81. Therefore, there is multilayered system of checks and balances: the control by law enforcement agencies themselves (Public Security Police, National Republican Guard, Immigration and Border Services, Criminal Investigation Police, Directorate General for Prisons), the control by General Inspectorates (General Inspectorate for Internal Administration, General Inspectorate for Justice Services), normally headed by members either of the Judiciary or the Public Prosecution and finally, at the top, the control by judicial authorities (Public Prosecution and Judiciary) or the Ombudsman.

Provision of better healthcare in prisons (recommendation 101.33)

82. The CESMDL guarantees medical assistance and the provision of medicines to all inmates, in similar conditions to any other citizen (inmates remain NHS users). Each prison unit must elaborate a plan on health promotion and prevention of disease, and all inmates must be subject to comprehensive clinical evaluation within 72 hours after admission. All prisons have primary healthcare services with general practice doctors and nurses. Access to experts in various medical areas is guaranteed, either within the prison unit or in external public or private health facilities. Inmate victims of abuse or suffering from chronic diseases are entitled to specific care. Medicines are distributed free-of-charge.

83. Also important in this regard are ongoing reforms in the mental healthcare system and recently adopted national plans on the rehabilitation of juvenile and other offenders, as well as the adoption and monitoring of a National Plan on Suicide Prevention.

Guarantee of a clear definition in the law on internal security of appropriate and proportionate use of force by law enforcement officials in line with international standards (recommendation 102.18)

84. The Portuguese Constitution, CESMDL, RUFPF, *inter alia*, clearly state that the principles of legality, necessity and proportionality must be respected in the execution of any policing measure, including those involving the use of force.

Reduce the duration of preventive detention and to limit its use in conformity with the principle of presumption of innocence (recommendation 103.11)

85. In the Portuguese criminal procedural law, pre-trial detention and house arrest can only be applied under exceptional circumstances. In addition to a general requisite regarding the insufficiency of other, less serious, coercive measures, pre-trial detention may only be ordered in specific cases, including, *inter alia*, when there is a strong suspicion of intentional perpetration of a crime punishable with a an imprisonment penalty of more than 5 years or a violent crime.

86. According to the Criminal Procedure Code, the maximum delays of preventive detention are as follows: during the investigation phase – 4 months, if there was no formal accusation in that delay; 8 months if an instruction phase was open without a final decision; one year and 2 months without a conviction in the first instance; one year and 6 months in the case where the conviction is pending *res judicata*).

87. These maximum delays may still be extended in cases of terrorism, violent or highly organised crime, crimes punishable with more than 8 years of imprisonment and crimes mentioned in article 215/2 CPC.

88. In cases where the conviction of the first instance court was confirmed at the higher court, post-trial preventive imprisonment delays are further extended up to half of the concrete penalty determined.

89. Pre-trial detainees are always set free immediately after the expiry of the time limits applicable in the different phases mentioned above.

90. Portugal has expanded the use of house arrest monitored by electronic surveillance devices, pursuant to legislation approved in September 2010, within the implementation of pre and post-trial measures. A plan to promote the use of such methods has been developed, providing for awareness-raising and training of relevant actors. Recently adopted national plans on the rehabilitation of offenders also play a role in this regard.

H. Human rights education, information and training

Provide human rights training to relevant professional groups (recommendation 101.22–23, 101.29, 101.32, 101.40 and 101.47)

91. Training on gender mainstreaming has been provided to senior public officials and legislators working in ministerial cabinets, and a Protocol thereon was signed in 2009 with the institute responsible for training civil servants. Human rights issues are covered in the initial and ongoing training of, *inter alia*, judges and public prosecutors, diplomats, police and border officers, prison staff and social workers.

92. Training activities include the creation of a training team on intercultural issues to support awareness-raising activities in schools; the establishment of a 30-person training team which delivers short-term training in schools, NGO, hospitals and courts with a view to promoting tolerance and the integration of migrants, based on an innovative capacity-building strategy; the development of awareness-raising activities by the police under community policing programmes (e.g. on intercultural dialogue, citizenship, gender equality and crime prevention), including by enhancing the use of social media; the granting of awards to schools with good intercultural practices; curricular reforms in science and humanities courses to cover such topics as citizenship, health and sexuality; adoption of specific strategies on intercultural issues for, *inter alia*, high level public officers and educators; and creation of a post-graduation course for local staff working with migrants.

93. Furthermore, specific training on domestic and/or gender-based violence is provided to magistrates, law enforcement officials, education and health professionals, social workers, local authorities' staff, mediators and journalists. The training of magistrates and law enforcement officers covers such issues as victim protection and assistance, remote surveillance, risk assessment, violent crimes, sex crimes and hate crimes against LGBT people. Training activities have been organised for media professionals and journalism students on the role of media in reporting domestic violence (in particular spousal homicide), rights of the child and elimination of stereotypes in information and advertising. In 2012, specific training was provided to migrant support staff on "gender equality, gender-based violence and multiculturalism".

94. Magistrates have also received specific training on child protection, combating cybercrime, family law, international protection of foreigners and the jurisprudence of ECHR and UN Human Rights Committee. Relevant information has been made available through the Internet and in the internal network for public prosecutors. In 2011, training was provided to social security workers on, *inter alia*, the rights of persons with disabilities and social services intervention in criminal proceedings. Staff of registry and notary departments has received training on service provision to persons with disabilities. In 2012, the Prosecutor General's Office published two human rights books: a handbook for Portuguese-speaking justice professionals, diplomats, law and international relations students, and a book with selected jurisprudence of ECHR.

95. In schools, human rights education is part of Education for Citizenship, that is crosscutting to all subject areas at all school levels (from kindergarten to secondary school) through a cross-curricular approach. On the same year, a book was published on the fundamental rights enshrined in the Portuguese Constitution.

Share at the international level experience and initiatives on human rights education (recommendation 101.44, 101.46)

96. Many public departments, including the Ministry of Education[8], ACIDI[9], CIG[10] and the PNHRC[11], run websites with a wealth of information related to their areas of work, including Portuguese initiatives and interventions in human rights *fora*. In December 2011, a new platform in Portuguese was launched on the Prosecutor General's website[12] with information on, *inter alia*, all existing universal and regional human rights protection systems, reports presented by Portugal to human rights bodies and concluding observations thereon, and other information and education materials. The Media Office is also using social media to disseminate information and participates in a working group on "Media Literacy" which includes the promotion of human rights in education through a critical reading of the media, having organised two national congresses thereon in 2011 and 2013, as well as annual thematic initiatives in schools, universities, associations and media corporations.

97. The National Migrant Support Centre (CNAI) in Lisbon, integrated in ACIDI, which incorporates several migrant support services and institutions, has earned best practice awards[13] and was visited by several foreign high level officials. In October 2012, Portugal hosted a best practice exchange seminar on gender training in education, at the European level.

I. The right to education and other economic, social and cultural rights

98. The Portuguese Government is strongly committed to ensuring that all children who live in the Portuguese territory enjoy the right to quality education. Several measures are in place to promote inclusive education, equality of opportunities and social integration of

children and youth from fragile socio-economic backgrounds, in particular descendants of immigrants and the Roma communities.

99. Initiatives are being put in place to improve elderly women's access to education and vocational and education training in order to address the low literacy levels among women of this age group. A prize for "Women Creators of Culture" was awarded in April 2013.

100. The full realisation of all human rights – civil, cultural, economic, political and social – is a long-standing commitment of the Portuguese State, and the right to education constitutes a national priority. The PNHRC developed a set of indicators to assess the implementation of this human right at the domestic level, which were concluded and published in 2013.

Reduce school desertion rates (recommendation 101.34)

101. In Portugal, measures were taken to reduce early school leaving rates, in view of the national target set in this regard of 10% by 2020. Measures adopted to reach this target include Programme PIEC and Programme PIEF (see above), specifically aimed at reducing school drop-out. Other initiatives with the goal to improve basic skills and ensure completion of 12-year schooling were implemented.

102. Also important in the area of education is the implementation of projects on priority intervention in the field of education (Programme TEIP), improvement of school performance ("More Success at School"), promotion of appropriate training opportunities aimed at students who show repeated school failure or dropout risk (Alternative Curriculum Pathways - PCA), and definition of learning outcomes and alternative curricula, namely with increased focus on vocational training. Re-organisation of the school network, closer collaboration of education authorities with child protection commissions, and the enactment of SSSEA also play a role in this regard.

Promote human rights at the international level, particularly in the field of economic, social and cultural rights (ESCR), and continue to integrate human rights education and training in these efforts (recommendation 101.45 and 101.48)

103. Portugal's priority in multilateral human rights *fora* is to promote and protect the universality, indivisibility, interrelatedness and interdependence of all human rights. Portugal annually presents two resolutions in the HRC, one on ESCR and another on the right to education. Every other year Portugal, together with Senegal and Moldova, tables a resolution on Programmes and Policies involving Youth in United Nations General Assembly (UNGA) and in the Commission on Social Development. Portugal traditionally co-sponsors most ESCR-related resolutions at UNGA and HRC and intends to maintain this high level of commitment in international *fora*. Portugal also systematically calls on other States to sign and ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, including in the framework of the UPR.

104. Portugal is committed to achieving the 2015 targets set by the UNESCO initiative "Education for All" and has placed education as a major focus of its development aid strategy, engaging in teacher training, curricula and education policy development and cooperation with universities. Training programmes organised for these countries' judiciary, police forces and prison guards have a strong human rights perspective, and Portuguese universities have been supporting local legislative processes, hence contributing to building modern juridical systems that comply with international human rights standards.

105. As a member of the UN Security Council (January 2011–December 2012) Portugal also strived to guarantee that the right to education is duly considered, even in emergency situations. Portugal cosponsored Security Council Resolution 1998/2011, which condemns

attacks against schools. Portugal also supported the adoption of the UN Declaration on Human Rights Education and Training.

Take additional measures in the areas of housing, employment, education and access to social services, particularly to benefit the Roma (recommendation 103.12)

106. A number of programmes are in place to ensure access to adequate housing. These include building rehabilitation and revitalisation of degraded areas and are promoted. These measures are jointly implemented by central, regional and local authorities and aim to counter discrimination and promote the inclusion of such vulnerable groups as the homeless, persons with disabilities, immigrants and members of ethnic minorities, including the Roma.

107. A strategy has been implemented in recent years to reduce inequalities in education and training and promote educational achievement. In addition to measures indicated above, others have been adopted to guarantee the universalisation of educational provision to children aged 5, as well as to certify skills obtained outside the school system, equip schools with new technologies, promote reading (by implementing a national plan in this regard and developing a school libraries network), evaluate teachers and enhance the role and autonomy of regional and local authorities, and of education institutions. Furthermore, initiatives were taken to reform education for students with special needs and promote the professional training of persons with disabilities (including by recognizing their skills and testing appropriate teaching methods).

108. The recently approved National Strategy for the Integration of Roma Communities (see above), will certainly play an important role in promoting equality in the enjoyment of ESCR by the Roma (see above).

J. Human rights machinery

Establish an effective and inclusive process to follow up on the recommendations of the Working Group, with the involvement of civil society, and strengthened cooperation with human rights mechanisms (recommendation 101.49–50, 102.6)

109. The PNHRC[14] was established in April 2010 following a commitment expressed by Portugal during its first UPR, in December 2009. The PNHRC is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. Its goal is to facilitate discussion, coordination and information-sharing on human rights issues, *inter alia* developments in the international agenda, position of Portugal in international *fora*, elaboration of national reports, implementation of recommendations and execution of annual action plans.

110. The PNHRC is chaired by the Ministry for Foreign Affairs and includes the representatives of all departments involved in the preparation of the present report (see above). Both the Ombudsman and the Prosecutor General's Office have a standing invitation to attend all PNHRC meetings and to participate in its work.

111. The PNHRC is currently developing further national human rights indicators, as recommended by OHCHR, having already finished the work on the indicator on the right to education and on the right to liberty and security of person.

112. The PNHRC meets on a regular basis with civil society representatives.

Establish a National Human Rights Institution in conformity with the Paris Principles (recommendation 102.3)

113. The Ombudsman is a National Human Rights Institution, with A-status accreditation since 1999, constitutionally and legally mandated to defend and promote citizens' rights and freedoms. It works primarily by investigating cases, upon complaints or on its own initiative, and may carry out inspection visits, without notice, and issue recommendations to administrative or legislative bodies as may be necessary to remedy any illegal or unfair practices. The Ombudsman may also request Constitutional Court reviews. Public entities have a duty to cooperate with the Ombudsman. The Ombudsman's action has led to the introduction of important measures concerning bereavement benefits, family and parental leave allowances, and unemployment benefits.

114. The Ombudsman also provides information and advice, namely through toll-free hotlines for children, elderly persons and persons with disabilities. Specifically mandated to promote human rights education, it organises and participates in seminars and conferences, undertakes awareness-raising activities in schools (a protocol to this effect was signed in May 2011), publishes studies and reports, and distributes information materials. Efforts are made to promote the establishment of Ombudsmen or other national human rights institutions in Portuguese-speaking countries, if applicable (see also above).

K. Other measures

Ensured the full implementation of all rights enshrined in the Constitution and in the existing legislation (recommendation 102.2)

115. Portugal has disseminated best practices within public administration. A number of initiatives aimed at facilitating access to public administration and other services were taken. These measures included rules on priority reception, installation of civil registry desks at National Immigrant Support Centres, simplification of registration procedures (by using online tools), concentrating services and creating a support hotline. Special attention was given to the special needs of persons with disabilities and migrants.

116. Portugal participated in a UNECE/WHO pilot project on the realisation of the human right to water and sanitation. Urban planning and regeneration instruments in place also seek to promote social cohesion and equal opportunities, and to improve the quality of life of the population.

117. In 2012, police authorities established a project to advance the rights of the elderly, by identifying, locating and liaising with those at risk, referring them to competent support institutions, as appropriate, and proposing partnerships to improve assistance.

118. Health authorities have taken steps to ensure the right of patients to be accompanied by a person of their choice, including during transportation in emergency situations. An innovative emergency screening system in 4 languages was put in place in order to improve responsiveness in emergency situations. The realisation of the right to adequate food has also been in focus, with the adoption of programmes promoting healthy eating, reinforcing food supply in schools and combating obesity – a book entitled "Smart Food – Eat better, save more" was published, winning the 2013 Nutrition Awards.

119. Portugal has actively promoted equal access to, and enjoyment of, cultural goods and services, namely by: supporting the arts and investing in cultural infrastructures also outside the main urban centres; holding or supporting free cultural events directed for children, *Roma* communities and persons with disabilities; developing instruments to facilitate access to cultural heritage; removing physical barriers for audiences and artists. At

local level, a Pass was created for free admission of unemployed persons to national monuments.

IV. Main challenges and constraints

120. In April 2011, the Portuguese Government requested financial assistance from the International Monetary Fund, the European Commission and the European Central Bank and subsequently an Economic and Financial Adjustment Programme (EFAP) was put in place, which drastically curtailed public spending. The austerity measures adopted in the framework of the EFAP have a strong impact in the lives of most of the people living in Portugal. Throughout the crisis, the Portuguese Government has remained deeply committed to implementing its human rights obligations and minimizing the impact of the crisis, particularly on the most vulnerable persons. A Social Emergency Plan was launched in October 2011, with an emphasis on families, children, the elderly and persons with disabilities.

V. Looking ahead

121. Portugal is committed to fully fulfilling its national obligations in the field of human rights and to further improving its national mechanisms to monitor progress in this field. It also commits to maintain its timely reporting and cooperation with all human rights mechanisms, including the UPR. Improving the participation of civil society organisations in this process will remain a key priority.

122. At the international level, Portugal will continue to promote a strong, independent and effective multilateral Human Rights system that can impartially monitor the implementation by all States of their Human Rights obligations. Upholding the universality, indivisibility, inalienability and interdependence of all human rights is Portugal's main objective. Portugal will also continue to sponsor resolutions in the field of economic, social and cultural rights, the right to education and youth.

123. It was in this spirit that Portugal presented its candidacy for the Human Rights Council for the term January 2015-December 2017. Portugal has been a staunch supporter of the Council from the outset, but has yet to be a member. If elected, Portugal pledges to work closely with all States and other key stakeholders in order to foster dialogue, build bridges and achieve consensus, without abandoning fundamental values and principles.

Notes

[1] See p.19.

[2] "Roma" is the generic term used internationally since the first World Romani Congress in London in 1971. The term "Roma" used in the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travelers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies". While the Portuguese Roma Communities recognise the negative connotation that the term "Ciganos" is often associated with, these Communities prefer this expression as they feel it best represents their values and customs.

[3] A/HRC/13/10

[4] *Discursos do Racismo em Portugal: Essencialismo e inferiorização nas trocas coloquiais sobre categorias minoritárias* (http://www.oi.acidi.gov.pt/docs/Estudos_OI/Estudo44_WEBfin.pdf).

[5] APAV – Portuguese Association for Victim Protection.

[6] http://www.seguranet.pt/blog/

[7] Institute for Child Support.
[8] http://www.dge.mec.pt/educacaocidadania/
[9] www.acidi.gov.pt
[10] www.cig.gov.pt
[11] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos.aspx
[12] www.gddc.pt
[13] ACIDI won the European Public Sector Award in 2011 for best practice in the theme "Opening Up the Public Sector through Collaborative Governance".
[14] http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos.aspx

United Nations A/HRC/WG.6/19/PRT/2

General Assembly

Distr.: General
13 February 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April–9 May 2014

Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Portugal

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review, and developments during that period.

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Please recycle

I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1982) ICESCR (1978) ICCPR (1978) ICCPR-OP 2 (1990) CEDAW (1980) CAT (1989) CRC (1990) OP-CRC-AC (2003) OP-CRC-SC (2003) CPED (signature only, 2007)	OP-CAT (2013) CRPD (2009)	ICRMW
Reservations, declarations and/or understandings	OP-CRC-AC (declaration, art. 2, 2003)		
Complaint procedures, inquiry and urgent action[3]	ICERD, art. 14 (2000) ICCPR-OP 1 (1983) OP-CEDAW, art. 8 (2002) CAT, arts. 20, 21 and 22 (1989) CPED (signature only, 2007)	OP-ICESCR, arts. 10 and 11 (2013) OP-CRC-IC (2013) OP-CRPD, art. 6 (2009)	ICCPR, art. 41 ICRMW

1. The United Nations High Commissioner for Refugees (UNHCR) noted that in 2012 Portugal had acceded to the 1954 Convention relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness.[4]

2. In 2012, the Committee on the Elimination of Racial Discrimination (CERD) encouraged, and in 2013 the Committee against Torture (CAT) invited, Portugal to ratify ICRMW.[5]

3. In 2012, CERD recommended that Portugal ratify the amendments to article 8, paragraph 6, of ICERD.[6]

4. In 2013, CAT invited Portugal to ratify CPED.[7]

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide	Conventions on stateless persons[12]	
	Rome Statute of the International Criminal Court		
	Palermo Protocol[8]		
	Conventions on refugees[9]		
	Geneva Conventions of 12 August 1949 and Additional Protocols hereto[10]		
	ILO fundamental conventions[11]		
	UNESCO Convention against Discrimination in Education		

B. Constitutional and legislative framework

5. CERD was concerned about the unclear relationship between ICERD and Portuguese domestic law. It recommended that Portugal give prominence to international human rights treaties, including ICERD.[13]

6. In 2010, in the framework of follow-up to its concluding observations, the Committee against Torture (CAT) reiterated its recommendation that Portugal include the crime of torture as a separate and specific crime in article 4 of Act No. 21/2000 of 10 August 2000.[14]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[15]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[16]
Ombudsman *(Provedor de Justiça)*	A	A (2012)

7. CERD noted that the Ombudsman *(Provedor de Justiça)* mainly dealt with complaints rather than the broader range of responsibilities of a national human rights institution. It recommended that the Ombudsman's work reflect more visibly a wide range of measures in addition to its complaints procedures, particularly with regard to racial discrimination.[17]

8. CERD welcomed the creation of an interministerial body to reduce the backlog of overdue reports to treaty bodies[18] and noted that the National Human Rights Commission, set up in March 2010 following the universal periodic review of Portugal, had responsibility for coordinating prompt reporting to treaty bodies.[19] It encouraged Portugal to change the nomenclature of the National Human Rights Commission to avoid confusion with the National Human Rights Institution.[20]

9. CAT welcomed the appointment in May 2013 of the Ombudsman as a national preventive mechanism in accordance with OP-CAT.[21]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[22]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2004	2011	March 2012	Fifteenth to seventeenth due in 2015
CESCR	November 2000	2011	–	Fourth report pending consideration in 2014
HR Committee	July 2003	2011	October 2012	Fifth report due in 2018
CEDAW	November 2008	2013	–	Eighth and ninth reports pending consideration
CAT	November 2007	2012	November 2013	Seventh report due in 2017
CRC	October 2001	2011 (to CRC, OP-CRC-AC and OP-CRC-SC)	–	Third to fourth reports pending consideration in January 2014. Initial OP-CRC-AC and OP-CRC-SC reports pending consideration in January 2014
CRPD	–	2012	–	Initial report pending consideration

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2013	Pretrial detention; prison conditions; and domestic violence.[23]	–
CERD	2013	Discrimination of immigrant women and women belonging to minority groups; discrimination against Ciganos and Roma; and poverty and racism.[24]	–
CEDAW	2010	Gender-mainstreaming institutionalization; and women discrimination in labour.[25]	2011[26] Follow-up on-going[27]
CAT	2008	Prison conditions; investigation of torture; and use of TaserX26 weapons.[28]	2007[29] and 2012[30]

Concluding observations			
Treaty body	*Due in*	*Subject matter*	*Submitted in*
	2014	Legal safeguards for persons detained; investigation of cases of torture and ill-treatment; and domestic violence and ill-treatment of Roma and other minorities.[31]	–

B. Cooperation with special procedures[32]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Special Rapporteur on human rights and extreme poverty (29–30 October 1998)	Working Group of Experts on People of African Descent (16–20 May 2011)
Visits agreed to in principle	–	–
Visits requested	–	–
Responses to letters of allegations and urgent appeals	During the period under review three communications were sent. The Government replied to all of these communications.	

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

10. Portugal contributed financially to OHCHR in 2010, 2011, 2012 and 2013.[33]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

11. CERD welcomed a number of positive developments and activities undertaken by Portugal to fight racial discrimination and promote tolerance and diversity, including the revision of article 246 of the Criminal Code providing that a person convicted for discrimination (art. 240) might be temporarily deprived of his/her active and/or passive electoral capacity.[34]

12. While conscious of the challenges posed by the economic crisis, CERD expressed concern about the negative impact that budget cuts might have on institutions charged with the promotion and protection of human rights and fighting racial discrimination, and support to relevant non-governmental organizations. The responses of Portugal to the current financial and economic crises should not increase poverty or give rise to racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to minorities and other particularly vulnerable groups. It urged Portugal to redouble its efforts to fight racial discrimination, including through support to relevant non-governmental organizations.[35]

13. CERD welcomed the pilot project of the High Commission for Immigration and Intercultural Dialogue which placed 28 intercultural mediators in 25 public services to enhance intercultural dialogue and combat racial stereotypes and prejudices. It also noted the Commission's work to support and foster intercultural dialogue.[36]

14. CERD was concerned at the limited effectiveness of the racial discrimination complaint procedure of the Commission for Equality and Against Racial Discrimination, the competent body dealing with racial discrimination under Act No. 18/2004 which implemented the European Union Directive on Racial Discrimination. Few decisions had been taken since its creation, a number of cases remained unsolved and the promised review of its procedure, as indicated by the State party, remained pending. It recommended that Portugal expedite the revision of Act No. 18/2004 so as to guarantee remedies to victims of racial discrimination. It also encouraged Portugal to provide additional resources to the Commission.[37]

15. Despite noting innovative measures introduced by the State under review to promote integration, prevent and address racial discrimination of less favoured communities, CERD was concerned about prevalent racial stereotypes and prejudices against immigrants, foreigners and some citizens, including Brazilians, Chinese, Sub-Saharan Africans and, in particular, Ciganos and Roma.[38] It urged Portugal to take effective measures to prevent and prosecute manifestations of racism, xenophobia and intolerance.[39] It also recommended special measures for vulnerable groups, including Ciganos, Roma and people of African descent.[40]

16. In 2012, the Working Group of Experts on People of African Descent (WGEPAD) recommended that racism and racial discrimination faced by people of African descent be tackled using a holistic approach, touching all levels of society. The particular history and context of all people of African descent living in Portugal, including nationals and migrants, should be taken into account and reflected in a comprehensive action agenda of legislation, practical measures, and monitoring compliance mechanisms.[41]

17. WGEPAD recommended the adoption of legal and institutional measures to promote equality and address racial discrimination experienced by people of African descent who were Portuguese citizens and ensure that the issues were not treated exclusively as migrants' issues.[42]

18. WGEPAD recommended ensuring that the rights of children of African descent, including the rights to education, citizenship and full recognition by the State, were respected and protected in accordance with CRC.[43]

19. CERD was also concerned at racist and xenophobic speech emanating from a few extremist political parties and manifestations of racism and intolerance in sport towards members of ethnic minorities. It recommended that Portugal condemn racist and xenophobic speech by politicians and promote tolerance and diversity, including in sport.[44]

20. CERD and the Human Rights Committee (HR Committee) were concerned about discriminatory conduct and manifestations of racist stereotypes and prejudice towards individuals of foreign origin and other groups by law enforcement officials.[45] The HR Committee urged Portugal to take steps to ensure that law enforcement personnel refrained from racist and discriminatory conduct, including through intensified awareness-raising efforts.[46] CERD recommended that training sessions equip law enforcement officials to fully respect and protect the fundamental rights of all persons without discrimination on the basis of race, colour or ethnic or national origin.[47]

21. The HR Committee was concerned that, despite considerable action taken by the State under review, immigrants, foreigners and ethnic minorities, including the Roma minority, continued to face discrimination in access to housing, employment, education, equal wages,

health care and public services, as well as in participation in public life.[48] CERD expressed deep concern that Ciganos and Roma were still the most discriminated against and most vulnerable people in Portugal. In addition to difficulties with housing, there were persistent and continuing concerns with regard to their right to education, health, employment, access to public services or participation in public life.[49] The HR Committee urged Portugal to ensure that immigrants, foreigners and ethnic minorities, including Roma minority, do not suffer from discrimination.[50] CERD recommended the promotion of the economic, social and cultural rights of Ciganos and Roma, while respecting their culture; and that all policies affecting them are designed, implemented, monitored and evaluated with their full participation.[51]

22. WGEPAD recommended the adoption of special measures, including quota systems, to alleviate and remedy disparities in the enjoyment of human rights affecting people of African descent in Portugal, in order to protect them from discrimination and overcome structural discrimination and break the cycle of poverty, inadequate education and unemployment.[52]

23. While welcoming the adoption in 2011 of the Fourth National Plan for Gender Equality,[53] in 2012, the HR Committee urged Portugal to address the structural difficulties with regard to the implementation of gender-equality policies, including insufficient resources, limited conceptions of equality in public opinion and lack of political commitment.[54]

24. In 2011, in the framework of follow-up to its concluding observations, CEDAW requested information on the implementation of an earlier recommendation concerning the application of gender-mainstreaming procedures with regard to all laws, regulations and programmes in all ministries and the institutionalization of equality advisers in all local municipalities.[55]

25. CERD noted with concern that immigrant women and women belonging to minority groups faced multiple discrimination. It urged Portugal to evaluate and monitor racial discrimination against women, particularly immigrant women and women belonging to minority groups.[56]

B. Right to life, liberty and security of the person

26. CAT reiterated its recommendation that Portugal reconsider amending article 243 of the Criminal Code to explicitly include discrimination among the purposes for inflicting torture in strict conformity with article 1 of the Convention.[57]

27. The HR Committee called on Portugal to take steps to prevent excessive use of force and ill-treatment by law enforcement officials and members of the security forces. It requested information on the numbers of complaints, investigations carried out and the punishments handed down in each case.[58]

28. CAT was deeply concerned at instances where electrical discharge (Taser X26) weapons were used disproportionately by police and prison officials and recommended restrictions on their application and strict monitoring and supervision of their use.[59] The HR Committee also expressed concern about the use of Taser weapons and requested more information from Portugal about their regulation and use.[60]

29. The HR Committee was concerned about physical ill-treatment and other forms of abuse by prison guards at certain prisons. Portugal should prevent physical ill-treatment and other forms of abuse, including excessive strip searches, by prison guards.[61]

30. CAT noted the various training programmes for police forces, but that Portugal had not provided information on training on the provisions of the Convention for prison staff,

immigration officials, and other State agents involved in the prevention of torture. It recommended further developing and strengthening training programmes to ensure that all officials were aware of the provisions of the Convention and assessing the impact and effectiveness of the programmes.[62]

31. CAT acknowledged Portuguese efforts to increase the capacity of penal institutions, but was concerned that they were overpopulated at 115 per cent. It noted that around 20 per cent of detainees were in pretrial detention and regretted the lack of information provided on the average length of pretrial detention. It recommended stepping up efforts to reduce overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment; avoiding long periods of pretrial detention and ensuring that pretrial detainees received a fair trial without undue delay.[63] The HR Committee was also concerned that some prisons were faced with overcrowding, inadequate facilities and poor health conditions, drug abuse by detainees and a high rate of detainees with HIV/AIDS and hepatitis C.[64]

32. CAT was concerned about the high rates of death in custody, especially suicide, among inmates, the insufficient capacity of inpatient psychiatric wards to accommodate prisoners with serious mental illnesses, the lack of staff and rehabilitative activities in forensic psychiatric hospitals and the use of restraints.[65]

33. While acknowledging the positive effects of certain recent legislative amendments, CAT was concerned that the law allowed solitary confinement to be imposed as a disciplinary measure for up to 30 days, including for juveniles aged between the ages of 16 and 18 and that provisional isolation of up to 30 days could be imposed, which it considered amounted to an extended informal punishment. It recommended that solitary confinement never be applied to juveniles or persons with psychosocial disabilities and made other recommendations on the application of solitary confinement.[66]

34. CAT welcomed legislative and other measures to combat domestic violence including the adoption of the Fourth National Action Plan against Domestic Violence (2011–2013), but recalled its concerns about this phenomenon, including the high number of deaths.[67] The HR Committee was concerned that domestic violence continued to be prevalent and that victims often did not report the crime due to traditional societal attitudes. It called on Portugal to continue to take steps, in particular within the Action Plan, to combat and prevent domestic violence and ensure that victims had effective access to complaints mechanisms. Portugal should ensure that victims have access to means of protection, including adequate numbers of shelters for women victims, and that acts of domestic violence are effectively investigated and perpetrators brought to justice.[68]

35. The HR Committee was concerned that article 160 of the Penal Code employed an overly broad definition of trafficking that included lesser crimes, complicating the assessment of the extent of prosecution, conviction and sentencing of trafficking offenders.[69] It was concerned that Portugal was a destination, transit and source country for women, men and children subjected to trafficking for sexual exploitation and forced labour and called on it to intensify its efforts to combat trafficking in persons. It also called on Portugal to change its methods of collecting and reporting data in order to present a more useful description of the legal response.[70] CERD and CAT welcomed the Second National Plan against Trafficking in Human Beings (2012–2013).[71] CAT noted the very few prosecutions of offenders and called for continued measures, including the vigorous enforcement of the legal framework to prevent and promptly, thoroughly and impartially investigate, prosecute and punish trafficking in persons.[72]

C. Administration of justice, including impunity, and the rule of law

36. CERD was concerned that the limited number of complaints in relation to racial discrimination might be due, inter alia, to a lack of confidence in the judicial system because of long and complex judicial procedures, and lack of awareness regarding such legal remedies. It recommended the dissemination of existing legislation on racial discrimination in ways that were accessible, and where relevant in various languages, and inform the public, in particular vulnerable groups, of all available legal remedies.[73] It also recommended implementation of measures to: increase the confidence of the population in the judicial system; shorten the judicial processes, where possible; and allow victims to access legal remedies.[74] WGEPAD made similar recommendations.[75] CAT was concerned at reports mentioning the perceived lack of confidence of victims in the judicial system, which may result in underreporting.[76]

37. CAT regretted the absence of comprehensive and disaggregated data on complaints of, investigations into and prosecutions of cases of torture and ill-treatment by officials, at the criminal and disciplinary levels, as well as on crimes based on discrimination, trafficking, domestic, sexual violence and female genital mutilation. It called for the compilation of data relevant to the monitoring of the implementation of CAT in these fields.[77]

38. CAT regretted the lack of data provided in the State party's report concerning criminal investigations, prosecutions and sanctions of the crime of torture and ill-treatment. As regarded the information provided on the period 2008–2010, it noted the limited number of punishments imposed under disciplinary proceedings in cases of ill-treatment by police and prison officers, as well as the large number of cases closed due to lack of evidence, despite allegations documented by monitoring bodies. It was concerned at information indicating that full medical examinations, out of the hearing and sight of prison officers, did not always occur and that injuries observed upon admission or sustained in prison thereafter were not properly recorded. It made a number of recommendations relating to these issues.[78]

39. CAT noted the different internal and external inspection services of the police and prison administration competent to carry out disciplinary investigations of ill-treatment, and the lack of clarity that may create when lodging a complaint. It was also concerned by instances in which the police refused to provide proof of a criminal complaint to the persons submitting them. It recommended the creation of a central mechanism to receive complaints of torture or ill-treatment, accessible to those in all places of detention, especially prisons, and listed a number of related safeguards.[79]

40. CAT welcomed the adoption of Act No. 104/2009 and the establishment of the Commission for the Protection of Crime Victims, which grants compensation, social support and rehabilitation to victims of violent crimes and domestic violence in advance of the outcome of criminal proceedings, but regretted the lack of information provided on compensation awarded by the Commission or the courts to victims of torture or ill-treatment. It called for adequate resources to be allocated to implement programmes of rehabilitation for victims of torture and ill-treatment effectively.[80]

41. Conscious that the foreign population was overrepresented in prisons, CERD expressed concerns regarding possible discrimination against immigrants and ethnic minorities in the judicial system. It encouraged Portugal to combat racial discrimination in the judicial system and provide remedies to victims.[81]

42. The HR Committee called on Portugal to ensure that time spent in custody for identification purposes, which was carried over into a detention for a suspected crime, is considered part of the 48 hour period within which a detained person must be brought

before a judge and that this time is not misused to circumvent the rights of persons detained on suspicion of crime.[82] It also urged Portugal to ensure that detained persons have an effective right of access to legal counsel from the time they become subject to police custody; law enforcement officials abide by the legal duty to inform all persons deprived of their liberty of their rights; and persons in police custody, including those held by the Judicial Police, are guaranteed the right to notify a third party of their detention.[83] CAT made similar recommendations.[84]

43. The HR Committee was concerned that pretrial detention time was excessively long, with approximately 20 per cent of pretrial detainees spending more than one year in detention, and that pretrial detainees were held together with convicted criminals. It recommended that Portugal reduce the number of persons in pretrial detention and the duration of such detention, including through measures aimed at reducing the length of investigations and legal procedures and at improving judicial efficiency and addressing staff shortages. It should ensure that pretrial detainees are held separately from convicted criminals.[85] CAT made similar recommendations.[86]

44. The HR Committee noted with concern that persons did not have the right to defend themselves in person in criminal proceedings, because representation by a lawyer was obligatory. Portugal should ensure that persons could exercise their right to defend themselves in person in line with article 14, paragraph 3 (d), of ICCPR.[87]

F. Freedom of expression and the right to participate in public and political life

45. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation remained a criminal offence under the Penal Code, punishable with up to six months' imprisonment or a fine with the possibility of increased penalties, including when the offence was committed against a public official. It encouraged Portugal to decriminalize defamation and place it under the civil code in line with international standards.[88]

46. The HR Committee was concerned that women were underrepresented in decision-making positions in the public sector, as well as in the legislative assemblies of the autonomous regions of the Azores and Madeira. It urged Portugal to increase the representation of women in decision-making positions in the public sector, including the foreign service, as well as in the legislative assemblies of the autonomous regions, if necessary, through appropriate temporary special measures.[89]

G. Right to work and to just and favourable conditions of work

47. In 2011, in its follow-up report to CEDAW, Portugal noted that, although the Portuguese Constitution and Labour Code prohibited any discrimination between women and men in employment, some discrimination persisted in practice, and that discrimination suffered by women in recruitment, employment, career advancement and payment was mainly due to maternity and the fact that the main responsibility for family care fell on women.[90]

48. In its follow-up report to CEDAW, Portugal noted that, under the Labour Code, women were entitled to receive equal pay for equal work or work of equal value as that performed by men. Nevertheless, a gender gap persisted regarding both wages and earnings[91] and the right to equal pay for equal work or work of equal value enshrined in domestic legislation had not been fully realized in practice.[92] The HR Committee was concerned about the significant and increasing wage gap between men and women. It urged

Portugal to guarantee equal pay for women and men for work of equal value, in line with the 2009 Labour Code.[93]

49. In its follow-up report to CEDAW, Portugal noted that, despite the trend of a decline in non-permanent contracts and of a narrowing of the gap between men and women of those with such contracts, the proportion of female workers with fixed-term contracts was still higher than the proportion of men, making women more vulnerable to slower career progression, lower payment level and dismissal.[94] Portugal considered that the preponderance of fixed-term contracts among women was the consequence of the discrimination suffered by women in the labour market.[95] CEDAW requested further information from Portugal about, inter alia, the enforcement of legal mechanisms to eliminate occupational segregation; data on the type and extent of wage differentials; and measures to reduce and counteract the prevalence of fixed-term contracts.[96]

50. WGEPAD noted that about one third of the clients of the Immigrant Job Centre Network were of African descent. The Institute of Employment and Professional Training did not have programmes targeting foreigners and immigrants, except for classes in citizenship and the Portuguese language, nor did it have specific policies or programmes for people of African descent.[97]

51. WGEPAD referred to information that migrants of African descent, particularly irregular migrants, had difficulty finding employment and were steadily being replaced by irregular migrants from Eastern Europe as they were less visible and less likely to be spotted by the authorities. Many regular and irregular migrants of African descent would like to return to Africa because of their difficult employment situation, but did not have had the financial resources to do so.[98]

H. Right to social security and to an adequate standard of living

52. UNHCR mentioned that, in the difficult economic situation of Portugal, the welfare system was not able to fund social assistance programmes and that had been reflected in substantial cuts in social allowances. The crisis had affected all citizens, but mainly the most vulnerable population, including asylum seekers and refugees. Traditional employment sectors, such as construction and restaurants, had been severely hit by the economic downturn. Refugees had particular vulnerabilities stemming from their personal experiences, as well as a lack of family and other support networks which could be relied on in case of unemployment or other risks to their ability to provide for their basic needs.[99]

53. In 2013, in its list of issues, CRC requested information on the impact of the financial crisis on children and their families living in poverty, and the measures taken to redress and mitigate the effects of the financial crisis on child poverty, especially with respect to children in need of special protection, including Roma, migrants, asylum seekers, unaccompanied children and children living in street situations.[100]

I. Right to education

54. UNESCO encouraged Portugal to submit its State reports for the periodic consultations of its education-related standard-setting instruments.[101]

55. WGEPAD noted that children from certain immigrant groups, in particular Africans, still had lower levels of education than Portuguese pupils and were less likely to continue their education. While there were several programmes specifically directed at supporting the social inclusion of children in vulnerable social and economic contexts, particularly children of immigrants and ethnic minorities, the integration process was aimed more

specifically at recently arrived immigrants, overlooking slightly those who arrived longer ago.[102] Portugal referred to changes to laws and curricula relevant thereto.[103]

56. UNESCO suggested that Portugal intensify its efforts to make the education system inclusive, particularly for immigrant and ethnic minorities, as well as for girls and women. It also suggested that Portugal be encouraged to strengthen its efforts to improve access to education for children and students from Roma communities.[104]

57. UNESCO encouraged Portugal to pursue its efforts to combat illiteracy and establish an effective system for adult education and training.[105]

58. UNESCO suggested the incorporation of ethics, aesthetics and civics, as well as human rights education, in school curricula.[106]

J. Cultural rights

59. UNESCO recommended enhancing the promotion of cultural heritage through the school curricula and university programmes to ensure increased awareness and appreciation of cultural heritage.[107]

K. Persons with disabilities

60. In its list of issues, CRC requested information on measures taken to implement inclusive education for children with disabilities, including children in specialized centres and measures to ensure their protection from ill-treatment.[108]

L. Minorities and indigenous peoples

61. While Portugal affirmed that there were no ethnic minorities recognized as such and that immigrants living in Portugal were not recognized as ethnic minorities but rather as foreigners, CERD invited the country to compile statistical data on the demographic composition of its population based on anonymous and voluntary ethnic self-identification by those concerned.[109] WGEPAD regretted the absence of data disaggregated by ethnic or racial origin and recommended reviewing the policy which impeded its collection.[110]

62. CERD welcomed the Strategy for Inclusion of the Roma Communities launched in December 2011.[111] In implementing the Strategy, CERD stated that Portugal should ensure the improvement of the living conditions of these communities by improving their access to adequate housing, education, health services, employment and public services.[112] CAT also welcomed the Strategy, but was concerned at reports of discrimination and abuse against Roma and other minorities by the police.[113]

63. WGEPAD called on Portugal to ensure the participation of people of African descent in projects that affected them, including through appropriate forums to consult them regarding their particular needs.[114]

M. Migrants, refugees and asylum seekers

64. CERD commended the policies, laws and actions of Portugal regarding the integration of immigrants.[115]

65. CAT noted that the number of asylum applications had increased from 140 applications in 2009 to 369 applications in 2013.[116] UNHCR noted that between 2010 and 2013 the recognition rate was 32 per cent, with a large majority obtaining subsidiary

protection status. It also mentioned that the number of unaccompanied children requesting protection had increased since 2010.[117]

66. UNHCR noted that in 2012 the time limit of five years for subsidiary protection was revoked, providing for a more stable level of protection for asylum seekers.[118]

67. UNHCR noted some need for improvement in the asylum procedures and recommended: regular training and capacity-building for migration staff, judges, lawyers, NGOs and translators; the establishment of quality assurance mechanisms in the procedures; and the reinforcement of monitoring at border points to safeguard the rights of persons who may be in need of international protection.[119]

68. In the light of the increasing numbers of asylum seekers, UNHCR recommended that the capacity of the reception system be increased and that refugee claims be processed in a timely manner in order to reduce the pressure on reception capacity.[120] CAT had similar observations and recommended that Portugal ensure that adequate medical care, food, water and personal hygiene items were provided in reception centres.[121]

69. UNHCR referred to the new decentralization policy for the integration of asylum seekers and refugees and noted some shortcomings in its implementation. It recommended: ensuring that service providers were prepared, trained and guided and that experienced NGO partners were supported and encouraged in their role; provision of adequate financial resources for implementation of the policy; and amendment of the Nationality Act to facilitate the naturalization of refugees and stateless persons.[122]

70. UNHCR noted that asylum seekers are no longer granted free access to primary and emergency health care and that their social security allowances were reduced in 2013. It recommended ensuring that asylum seekers, beneficiaries of subsidiary protection and refugees have access to basic social security services and that asylum seekers have free access to primary and emergency health care.[123]

71. UNHCR recommended the adoption and implementation in national legislation of a statelessness determination procedure.[124]

N. Human rights and counter-terrorism

72. The HR Committee was concerned that under article 143, paragraph 4, of the Code of Criminal Procedure detainees were prevented from communicating with other persons in cases of terrorism or violent or highly organized crimes, until the detainee was brought before a court. Portugal should ensure that detention ordered by the Public Prosecutor's Office under such article is strictly regulated; that detainees held under that provision are under judicial supervision; and that limits on their communication with third persons are stringently reviewed by the judiciary.[125]

73. CAT welcomed the criminal investigation by Portugal into its alleged involvement in extraordinary renditions, but noted that the State had reported that the investigation had been closed on the grounds of insufficient evidence. It encouraged Portugal to continue its investigations, if further information was found.[126]

Notes

[1] Unless indicated otherwise, the status of ratification of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Portugal from the previous cycle (A/HRC/WG.6/6/PRT/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] UNHCR submission to the UPR on Portugal, p. 1.

[5] Concluding observations of the Committee on the Elimination of Racial Discrimination, CERD/C/PRT/CO/12-14, para. 23, and concluding observations of the Committee against Torture, CAT/C/PRT/CO/5-6, para. 22.

[6] CERD/C/PRT/CO/12-14, para. 26.

[7] CAT/C/PRT/CO/5-6, para. 22.

[8] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[9] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[10] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[11] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[12] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[13] CERD/C/PRT/CO/12-14, para. 11.

[14] Letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 2. Available from http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/PRT/INT_CAT_FUF_PRT_11794_E.pdf (accessed on 29 January 2014). See also A/HRC/WG.6/6/PRT/2, para. 25, concluding observations of CAT, CAT/C/PRT/CO/4, para. 12, and CAT/C/PRT/CO/4/Add.2, pp. 11–12.

[15] According to article 5 of the rules of procedure for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[16] For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[17] CERD/C/PRT/CO/12-14, para. 21.

[18] Ibid., para. 5.

[19] Ibid., para. 21.

[20] Ibid., para. 21.

[21] CAT/C/PRT/CO/5-6, para. 6.

[22] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities

[23] Concluding observations of CCPR, CCPR/C/PRT/CO/4, para. 16.

[24] CERD/C/PRT/CO/12-14, para. 28.

[25] Concluding observations of CEDAW, CEDAW/C/PRT/CO/7, para. 54.

[26] Response by Portugal to the recommendations contained in the concluding observations of CEDAW, CEDAW/C/PRT/CO/7/Add.1.

[27] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRT/INT_CEDAW_FUL_PRT_13612_E.pdf (accessed on 29 January 2014).

[28] CAT/C/PRT/CO/4, para. 22.

[29] CAT/C/PRT/CO/4/Add.1. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva.

[30] CAT/C/PRT/CO/4/Add.2

[31] CAT/C/PRT/CO/5-6, para. 24.

[32] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.

[33] OHCHR, *2010 Annual Report: Activities and Results* (Geneva, OHCHR, 2010), p. 288; OHCHR, *2011 Annual Report: Activities and Results* (Geneva, OHCHR, 2011), p. 175; OHCHR, *2012 Annual Report: Activities and Results* (Geneva, OHCHR, 2012), p. 168; and forthcoming OHCHR Annual report for 2013. All available from: www.ohchr.org/EN/PublicationsResources/Pages/AnnualReportAppeal.aspx (accessed 29 January 2014).

[34] CERD/C/PRT/CO/12-14, para. 4.
[35] Ibid., para. 20.
[36] Ibid., para. 6.
[37] Ibid., para. 17.
[38] Ibid., para. 14.
[39] Ibid., para. 14.
[40] Ibid., para. 13.
[41] Report of the Working Group of Experts on People of African Descent on its mission to Portugal, A/HRC/21/60/Add.1, para. 77.
[42] Ibid., para. 77.
[43] Ibid., para. 77. See also Government response in the appendix thereto, section 10–11.
[44] CERD/C/PRT/CO/12-14, para. 14.
[45] Ibid., para. 15, and CCPR/C/PRT/CO/4, para. 5.
[46] CCPR/C/PRT/CO/4, para. 5.
[47] CERD/C/PRT/CO/12-14, para. 15.
[48] CCPR/C/PRT/CO/4, para. 5. See also CERD/C/PRT/CO/12-14, para. 19.
[49] CERD/C/PRT/CO/12-14, para. 19.
[50] CCPR/C/PRT/CO/4, para. 5.
[51] CERD/C/PRT/CO/12-14, para. 19.
[52] A/HRC/21/60/Add.1, para. 77.
[53] CCPR/C/PRT/CO/4, para. 3. See also CEDAW/C/PRT/CO/7/Add.1, para. 4.
[54] CCPR/C/PRT/CO/4, para. 4.
[55] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva, pp. 1-2. See also CEDAW/C/PRT/CO/7, para. 21.
[56] CERD/C/PRT/CO/12-14, para. 18.
[57] CAT/C/PRT/CO/5-6, para. 7. See also CAT/C/PRT/CO/4, para. 6.
[58] CCPR/C/PRT/CO/4, para. 10.
[59] CAT/C/PRT/CO/5-6, para. 15. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 2.
[60] CCPR/C/PRT/CO/4, para. 10.
[61] CCPR/C/PRT/CO/4, para. 11. See also letter dated 12 May 2010 from CAT to the Permanent Mission of Portugal in Geneva, p. 1; and CAT/C/PRT/CO/5-6, para 11.
[62] CAT/C/PRT/CO/5-6, para. 20.
[63] Ibid., para 11.
[64] CCPR/C/PRT/CO/4, para. 11.
[65] CAT/C/PRT/CO/5-6, para. 11.
[66] Ibid., para. 12.
[67] Ibid., para. 17. See also para. 5, and CEDAW/C/PRT/CO/7/Add.1, para. 4.
[68] CCPR/C/PRT/CO/4, para. 12.
[69] Ibid., para. 13.
[70] Ibid., para. 13.
[71] CERD/C/PRT/CO/12-14, para. 5, and CAT/C/PRT/CO/5-6, para. 19. See also CCPR/C/PRT/CO/4, para. 3, and CEDAW/C/PRT/CO/7/Add.1, para. 4.
[72] CAT/C/PRT/CO/5-6, para. 19.
[73] CERD/C/PRT/CO/12-14, para. 12. See also CERD/C/PRT/CO/12-14, para. 17.
[74] CERD/C/PRT/CO/12-14, para. 12.
[75] A/HRC/21/60/Add.1, para. 77.
[76] CAT/C/PRT/CO/5-6, para. 18.
[77] Ibid., para. 21.
[78] Ibid., para. 9.
[79] Ibid., para. 10.
[80] Ibid., para. 16.
[81] CERD/C/PRT/CO/12-14, para. 16.
[82] CCPR/C/PRT/CO/4, para. 7.
[83] Ibid., para. 8.
[84] CAT/C/PRT/CO/5-6, para. 8.

[85] CCPR/C/PRT/CO/4, para. 9.
[86] CAT/C/PRT/CO/5-6, para. 11.
[87] CCPR/C/PRT/CO/4, para. 14.
[88] UNESCO submission to the UPR, pp. 6–7.
[89] CCPR/C/PRT/CO/4, para. 4.
[90] CEDAW/C/PRT/CO/7/Add.1, para. 33. See also ibid., para. 61.
[91] Ibid., paras. 48–49.
[92] Ibid., para. 51. See also CCPR/C/PRT/CO/4, para. 4.
[93] CCPR/C/PRT/CO/4, para. 4.
[94] CEDAW/C/PRT/CO/7/Add.1, para. 60.
[95] Ibid., para. 61.
[96] Letter dated 10 August 2011 from CEDAW to the Permanent Mission of Portugal in Geneva, p. 2 (c) (d) and (e). Available from http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRT/INT_CEDAW_FUL_PRT_13612_E.pdf (accessed on 29 January 2013). See also CEDAW/C/PRT/CO/7, para. 41.
[97] A/HRC/21/60/Add.1, para. 24.
[98] Ibid., para. 25.
[99] UNHCR submission, p. 2.
[100] CRC/C/PRT/Q/3-4, para. 2.
[101] UNESCO submission, p. 6.
[102] A/HRC/21/60/Add.1, para. 7.
[103] Ibid., appendix, section 10.
[104] UNESCO submission, p. 7.
[105] Ibid., p. 7.
[106] Ibid., p. 7.
[107] Ibid., p. 7.
[108] CRC/C/PRT/Q/3-4, para. 5.
[109] CERD/C/PRT/CO/12-14, para. 10.
[110] A/HRC/21/60/Add.1, paras. 22, 77.
[111] CERD/C/PRT/CO/12-14, para. 5. See also CERD/C/PRT/CO/12-14, para. 19, and CAT/C/PRT/CO/5-6, para. 18.
[112] CERD/C/PRT/CO/12-14, para. 19. See also CCPR/C/PRT/CO/4, para. 5.
[113] CAT/C/PRT/CO/5-6, para. 18.
[114] A/HRC/21/60/Add.1, para. 77.
[115] CERD/C/PRT/CO/12-14, para. 8.
[116] CAT/C/PRT/CO/5-6, para. 14.
[117] UNHCR submission, p. 1.
[118] Ibid., p. 2.
[119] Ibid., p. 4.
[120] Ibid., p. 5.
[121] CAT/C/PRT/CO/5-6, para. 14.
[122] UNHCR submission, pp. 5–6.
[123] Ibid., pp. 6–7.
[124] Ibid., p. 7.
[125] CCPR/C/PRT/CO/4, para. 6.
[126] CAT/C/PRT/CO/5-6, para. 13.

United Nations A/HRC/WG.6/19/PRT/3

General Assembly

Distr.: General
21 January 2014

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Nineteenth session
28 April -9 May 2014

Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21

Portugal*

The present report is a summary of seven stakeholders' submissions[1] to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. In 2013, the European Commission against Racism and Intolerance (CoE-ECRI) recommended that Portugal ratify the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families and the following instruments of the Council of Europe (CoE): Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms; the Convention on the Participation of Foreigners in Public Life at Local Level; and the European Charter for Regional or Minority Languages.[2]

2. The European Union Agency for Fundamental Rights (EU-FRA) noted that in October 2012 Portugal acceded to the 1954 Convention Relating to the Status of Statelessness and the 1961 Convention on the Reduction of Statelessness.[3]

2. Constitutional and legislative framework

3. CoE-ECRI noted that article 13 of the Constitution sets out the principle of equality, but it had been informed by some authorities that this article was interpreted as excluding the possibility of establishing and implementing positive measures in favour of a disadvantaged group. It mentioned that several laws did include measures which promote positive action, such as article 27 of the Labour Code, but noted that this article had so far not been applied.[4]

4. The International Lesbian, Gay, Bisexual and Transgender Association (Portugal) (ILGA) noted that the Constitution included sexual orientation as a prohibited ground for discrimination and that the other legislation also addressed issues related to sexual orientation.[5] It recommended inclusion of gender identity as a prohibited ground for discrimination under article 13 of the Constitution.[6]

3. Institutional and human rights infrastructure and policy measures

5. In 2012, the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) welcomed the fact that the Ombudsman (*Provedor de Justiça*) and other national human rights structures, such as the High Commission for Immigration and Intercultural Dialogue (ACIDI) and the Commission for the Protection of Children and Young People at Risk, had not been disproportionately impacted on by the financial austerity measures and invited the authorities to continue to provide adequate support to them.[7]

6. In 2009, the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE-ACFC) noted with satisfaction that the Ombudsman regularly addressed cases related to racism and discrimination.[8]

7. CoE-ECRI recommended that the ACIDI be granted full independence from the Government, as well as investigative powers and the right to initiate and participate in court proceedings.[9] CoE-ACFC noted that ACIDI was placed directly under the responsibility of the Prime Minister which brought into question its independence.[10]

8. CoE-Commissioner encouraged the Ombudsman's Office to enhance its outreach and accessibility to Roma.[11] CoE-ECRI noted the low number of complaints received by the Ombudsman from members of the Roma community and encouraged the authorities to

undertake an awareness-raising campaign to make vulnerable groups aware of the role of the Ombudsman.[12]

9. CoE-Commissioner noted that budgetary austerity had had a significant impact on the work of non-governmental organizations (NGOs) which provide services to vulnerable social groups such as children, the elderly, Roma, migrants and disabled persons. He was informed that public subsidies had sharply decreased and that these payments were often delayed while at the same time these organizations faced an unprecedented increase in requests for assistance.[13]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

10. CoE-ECRI noted that language was not included as one of the grounds for discrimination prohibited in the Criminal Code and called for the amendment of article 240 so as to include these grounds.[14] It recommended the adoption of a provision expressly making racist motivation an aggravating circumstance for all offences.[15]

11. CoE-ACFC noted that the effectiveness of remedies against discrimination were hampered by the complexity of the system and that cases before the ACIDI were often protracted. It called for measures to improve the effectiveness and accessibility of domestic remedies against racial discrimination.[16] CoE-ECRI mentioned that as the ACIDI or its related bodies did not have investigatory powers, they relied on investigations carried out by a competent inspection body, for example, the Labour Inspection. However, there was a lacuna in the procedure in that no investigation could be carried out where a case was related to an area in which there was no competent inspection body.[17]

12. CoE-ECRI welcomed steps that had been taken to combat racial discrimination in the media.[18] It noted that there were reports of an increase in the number of racist websites, particularly those targeting Roma and immigrants. These had included one which used the logo of the National Republican Guard (NRG) law enforcement agency. It noted that the NRG did not immediately disassociate itself from the website, the criminal police did not take any action and the site appeared to have been operational for several months. It recommended that the cybercrime department step up monitoring of the Internet to prevent it from being used to disseminate racist or xenophobic comments and material with a view to prosecuting the perpetrators of such acts.[19]

13. Joint Submission 1 (JS1) noted significant advances in Lesbian, Gay, Bisexual and Transgender (LGBT) rights since 2010, including access to civil marriage and a law allowing transgender people the right to identity. Despite this progress, some LGBT rights were neglected.[20] EU-FRA noted that Portugal was among states that had adopted specific LGBT action plans or integrated these issues into national human rights action plans.[21] It mentioned that in 2011 there was no equality body covering discrimination on the grounds of sexual orientation.[22]

14. ILGA recommended the adoption of a comprehensive anti-discrimination law covering all areas of social and economic life, including the grounds of sexual orientation and gender identity.[23] JS1 recommended promptly reviewing all legislation and measures in this field.[24]

15. Joint Submission 2 (JS2) called for the approval of the bill prohibiting discrimination against persons with HIV which was presented by the opposition party and recommended other measures which related to countering discrimination against persons living with HIV/AIDS.[25]

16. ILGA mentioned that public officials and service providers lack awareness and training in issues of sexual orientation and gender identity and recommended the provision of specific and appropriate training for public officials.[26] JS1 referred to the importance of the training for police, prison officials, but noted that it had focussed on gender-based violence rather than adopting a comprehensive approach which could address issues related to sexual orientation and gender identity as recommended in the first universal periodic review.[27] JS2 recommended legislation to oblige decision makers and health workers to have regular training regarding non-discrimination.[28]

17. JS1 recommended that the Ministry of Education combat homophobia and promote non-discrimination in schools, reinforcing and promoting the fight against bullying.[29]

18. EU-FRA noted the adoption in 2011 of a new law on gender reassignment which introduced a simple administrative procedure and removed requirements deemed to be disproportionate.[30] It mentioned that discrimination on grounds of gender reassignment was not explicitly dealt with in legislation or case law.[31]

2. Right to life, liberty and security of the person

19. The Islamic Human Rights Commission (IHRC) stated that one of the main concerns in the period 2009-2013 was excessive use of force by law enforcement officials and allegations of torture and other-ill-treatment. It mentioned that law enforcement officials were implicated in two high-profile cases of torture and other ill-treatment and their prosecution proceeded very slowly.[32] It stated that a total of 15 young, black and poor people had been killed by the police in the last 10 years and no officer had been convicted.[33] It recommended thorough investigations of ill-treatment and other wrongdoing by law enforcement officials, as well as training in the appropriate use of firearms, batons and electric shock devices.[34]

20. In 2013, CoE-CPT stated that many persons its delegation had met had said they were correctly treated by law enforcement officials at the time of their apprehension and while in police custody. However, it did receive a number of allegations of ill-treatment at the time of apprehension, after the persons had been brought under control, and prior to their arrival at police detention facilities. It also received allegations of ill-treatment by the judicial police during the interrogation process.[35]

21. CoE-CPT noted that many prisoners met by its delegation stated that they were treated fairly by prison officers. However, a number of allegations of ill treatment by prison officers were received at certain prisons. It recommended that the authorities deliver a clear message to all prison managers and custodial staff that all forms of ill-treatment are unacceptable and will be the subject of severe sanctions. It also recommended particular attention to ensuring that medical examinations were carried out when force was used.[36]

22. CoE-CPT noted allegations of physical ill-treatment of patients by prison officers at the psychiatric prison hospital of Santa Cruz do Bispo. The alleged ill-treatment consisted of punches, kicks and blows with batons to the body, apparently often followed by placement in one of the hospital's seclusion cells. It recommended that prison officers called on to intervene at the hospital be given a firm reminder that ill-treatment of patients is unacceptable and will be the subject of severe sanctions. It also recommended that all use of force be recorded and every patient against whom force is employed should be examined by a doctor.[37]

23. CoE-CPT noted that the prison population had been increasing since 2009 and there was no sign of the increase abating. It observed that in a number of establishments overcrowding had reached serious levels; one prison had occupancy at 225 per cent of the official capacity and a further 19 prisons had levels in excess of 130 per cent. It mentioned that in the current economic environment plans to build new prisons had been put on hold.[38]

24. CoE-CPT noted cases where juveniles had been accommodated together with adults and recommended that the authorities ensure that any juveniles detained in an establishment for adults be accommodated separately from adult prisoners.[39]

25. CoE-Commissioner noted that the number of complaints to the Ombudsman relating to domestic violence against children did not increase in 2011 and 2012. However, it noted that the increasingly difficult socio-economic situations for families and high levels of stress and pressure can result in serious risks of domestic violence towards children. It drew attention to the need to monitor carefully the evolution of the situation.[40]

26. JS2 referred to the protection of the rights of survivors of gender-based violence, including trafficking, and noted that violence and stigma continue to affect survivors and that there is a lack of awareness of gender inequalities.[41] The use of discriminatory language in the media and elsewhere deepened stereotypes and social discrimination.[42] It called for support programmes aimed at perpetrators of violence against women with a view to preventing further violence and long-term awareness-raising activities to respond to discriminatory cultural and social norms and stereotypes which legitimize and perpetuate violence against women.[43] JS2 further called for improvements in the judicial system to increase the celerity of processes and better control of the execution of sentences and articulation of decisions in order to promote the safety of victims.[44]

27. JS2 mentioned Portugal's efforts in tackling female genital mutilation (FGM) including the Second Programme of Action for the elimination of FGM (2011-2013). It noted reports that FGM had been carried out on Portuguese territory and called for the implementation of monitoring mechanisms and for studies on its prevalence.[45]

28. EU-FRA noted that the Fourth National Action Plan against Domestic Violence, which was adopted in 2010, found that LGBT persons were particularly vulnerable to domestic violence and proposed targeted measures for their protection, although these measures were yet to be specified.[46]

29. The Portuguese Association for Victim Support (APAV) noted that between 2000 and 2011 there was a 158 per cent increase in crimes where older persons were the victims.[47] CoE-Commissioner referred to deep concerns at the reported rapid increase in domestic violence and other violence towards the elderly and noted that the Ombudsman had reported a high number of calls in 2011 and 2012 on its phone line for the elderly. CoE-Commissioner also mentioned that an increasing number of cases of abuse, including sometimes violence, resulted from families who withdrew elderly persons from institutionalized care in order to benefit from their pensions. It recommended that the authorities pay particular attention to the needs of families caring for older persons in order to limit the risk of abuses and mistreatment on the one hand, and limit increased poverty among families on the other.[48] APAV had similar information and recommended implementing the National Action Plan for the Prevention of Violence against Elderly People proposed by the relevant working group of the Directorate General of Health.[49]

30. APAV made a number of recommendations relating to victims of crimes of violence (including children, older persons or members of other vulnerable groups). These included: identifying and evaluating intervention protocols for health practitioners; developing guidelines aimed at achieving adequate standards of support to victims; promoting communication between the authorities to guarantee effective intervention; disseminating information to health practitioners on violence against children and elderly people (including measures on measures for the detection and prevention of such situations); ensuring that victims of serious crimes and domestic violence are exempted from charges for health services; and making more frequent use of the mechanisms foreseen in the Witness Protection Law.[50]

31. In 2013, the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (CoE-GRETA) mentioned that the authorities had taken important steps to prevent and combat trafficking in human beings, but noted that NGOs had not been sufficiently involved in their planning and implementation. It considered that the authorities should adjust policy to give more attention to trafficking for the purpose of labour exploitation and take greater account of male and child victims of trafficking.[51] It welcomed the criminalization of the use of services or organs of victims of human trafficking and invited the authorities to continue their efforts to address demand as a root cause of human trafficking.[52] JS1 mentioned the increased State budget to support NGOs working in the areas of fighting gender-based violence and human trafficking.[53]

32. CoE-GRETA noted that the authorities had introduced a "Reporting – Identification – Integration" system, but that the multi-disciplinary team which is supposed to receive reports on potential victims and assist the police in victim identification had limited capacity to intervene. It also noted a degree of reluctance among some civil society actors to report trafficking cases for fear that the police investigation might expose victims to their traffickers or result in their removal from the country as irregular migrants.[54]

33. CoE-GRETA mentioned that only one shelter providing accommodation for victims of trafficking had been set up and that this had limited capacity and was for women victims only. It urged that assistance be increased and that the services available be sufficient and appropriate to victims' specific needs. It also called for improved assistance for child victims of trafficking.[55]

34. CoE-GRETA urged the authorities to ensure that victims of trafficking are systematically informed of the possibility of, and/or are effectively granted, a recovery and reflection period. It also invited the authorities to ensure that victims are made aware of the right to compensation and can effectively enjoy this right, particularly through access to legal assistance.[56]

35. CoE-GRETA expressed concern at the low number of convictions for human trafficking and urged the authorities to take steps to identify gaps in the investigation procedure and presentation of cases in courts. It also stressed the need for improving the knowledge and sensitivity of judges, prosecutors, investigators and lawyers about trafficking in human beings and victim's rights.[57]

36. JS2 noted that Portugal had high numbers of sex workers infected with HIV. It called for Portugal to consider the potential of decriminalizing sex work and related practices, as a strategy to reduce the opportunities for exploitative labour practices in the sex sector.[58]

3. Administration of justice, including impunity, and the rule of law

37. CoE-ECRI considered that the authorities should look more closely into the reasons why there was so little recorded racist crime. It noted that it could be, as the authorities claimed, that the society was extremely tolerant, but also considered that victims of racist crime may be unwilling to report the crimes to the police, there may be a lack of confidence in the criminal justice system or that the low number may be due to failure by the police to register the racist nature of offences. It invited the authorities to examine these factors and take steps to remedy them where necessary.[59]

38. CoE-ECRI noted that complaints against the law enforcement agencies are investigated by inspectorates under the Ministries of Internal Administration and Justice respectively. CoE-ECRI suggested that there would be more confidence in the handling of complaints if the inspectorates did not have direct links with the ministries.[60] It noted that the number of complaints submitted against police officers concerning racist or racially discriminatory acts between 2006 and 2012 was extremely low. It considered that the

figures suggested that the complaints system was not functional and needed to be revised in order to restore faith in the complaints procedure and the police.[61]

39. CoE-ACFC noted that the anti-discrimination legislation and provisions in the Criminal Code dealing with racially-motivated offences seemed to be applied rarely by the courts. It was also informed that victims of discrimination tended not to complain, which may be explained by a lack of information about the available remedies and, in some instances, a lack of confidence in the criminal justice system. It recommended expanding awareness-raising efforts in society on racial discrimination and the existing remedies as well as awareness-raising among and training of law enforcement officials and the judiciary.[62]

40. CoE-ECRI noted that victims of racial discrimination had to turn to the civil courts to claim damages on the basis of the administrative procedure; the levels of compensation awarded were extremely low; and this avenue was rarely pursued.[63]

41. CoE-ECRI encouraged continued efforts to provide specific training to judges, prosecutors and police on the application of criminal law provisions against racism and racial discrimination and in particular how to recognize racist motivation.[64] CoE-ACFC made similar recommendations.[65] IHRC recommended training of law enforcement officials and other State actors to respect racial and other ethnic minorities.[66]

42. Referring to institutionalized racism, IHRC stated that there was a slow judicial process or often a judicial process where law enforcement officials and other State actors were not punished for their unlawful acts and this gave a sense of impunity to law enforcement officials.[67]

43. CoE-CPT stated that its delegation met a number of persons who claimed they had not been able to inform a member of their family that they were in police custody. It recommended ensuring that the right of persons deprived of their liberty by law enforcement officials to notify their detention to a third party, as from the outset of custody, is enjoyed in practice.[68]

44. CoE-CPT mentioned that its findings indicated that the right to access to a lawyer was, in fact, not effective for the majority of persons detained by law enforcement officials. If a detained person could not afford a private lawyer, he or she would only be granted access to an ex officio lawyer at the court hearing before a judge. This hearing could take place up to 48 hours after the defendant's apprehension. It called upon the authorities to ensure that the right of access to a lawyer, including the right to talk to a lawyer in private, is enjoyed by all persons obliged to remain with the police, from the very outset of the deprivation of liberty.[69] It recommended that law enforcement officials be reminded of their obligations to immediately inform detained persons of their rights.[70]

45. CoE-CPT referred to cases where juveniles alleged that they were interrogated without a lawyer being present. It recommended that steps be taken to ensure that juveniles are not required to make any statements or sign any documents concerning the offences of which they are suspected without benefitting from the presence of a lawyer and, in principle, a trusted adult person to assist them.[71]

46. CoE-CPT recommended that the authorities put in place a programme of purposeful activities for all juvenile prisoners on remand and take immediate steps to amend the legal provisions to substantially reduce the period during which a juvenile can be placed in solitary confinement for disciplinary purposes.[72]

47. APAV mentioned concerns over the re-victimization of child victims of crime and recommended creating mechanisms whereby child victims are heard only once in judicial proceedings, whenever possible, and interviews undertaken in appropriate conditions and by qualified specialists.[73]

4. Right to family life

48. JS1 called for the approval of the bill on co-adoption, which was voted on by Parliament in May 2013, in order to prevent the marginalization of LGBT individuals, and for the removal of other legal obstacles which prevent LGBT couples from exercising their right to form a family.[74]

49. JS1 recommended reviewing the law on medically assisted procreation (MAP) to ensure that all persons can have access to MAP, including surrogacy, without threat of illegality or non-recognition of the link between the child and the parents/mothers. It called for access to MAP without discrimination and referred to the current legislation which prohibits access to MAP to single women and same-sex couples.[75]

5. Freedom of movement

50. CoE-Commissioner referred to Roma settlements which had been fenced off and a case in the town of Beja where the settlement had been surrounded by a wall leaving only one entrance and exit route. Although the State authorities had instructed the city authorities to dismantle the wall, at the time of the Commissioner's last visit in May 2012 demolition work had not been completed.[76] In 2013 CoE-ECRI reported that the local authorities had decided to lower the height of the wall instead of removing it because it served as a security barrier beside a main road. CoE-ECRI considered that the wall was a disproportionate measure and that other means of protection from the road were available. It called for all such walls or other barriers around Roma settlements to be removed.[77]

6. Right to work and to just and favourable conditions of work

51. CoE-Commissioner noted that the unemployment rate had reached 15.2 per cent in April 2012 and youth unemployment had reached 36.2 per cent.[78]

52. EU-FRA reported that the gender pay gap increased by 3.6 per cent between 2008 and 2010.[79]

53. EU-FRA noted that only about one in 10 Roma aged between 20 and 64 considered themselves to be in paid employment.[80] CoE-ACFC mentioned that Roma faced discrimination in employment; programmes of vocational training of Roma had often had a limited impact on employment rates; and there was limited support for self-employment and setting up small business which could constitute alternatives to itinerant trade and work in fairs and markets. It also noted the absence of a uniform legal framework regulating itinerant trade at the local level.[81]

7. Right to social security and to an adequate standard of living

54. CoE-Commissioner mentioned that inequalities seemed to have grown since March 2011 following the adoption of severe austerity measures. A study by the European Commission indicated that these measures had had a disproportionately negative impact on the poorest 10 per cent of the population.[82] CoE-Commissioner stated that his interlocutors had confirmed the trend of increasing child poverty. It noted that the poverty risk for families with children is higher than the population as a whole and that it increases with each additional child.[83]

55. CoE-Commissioner noted two series of major cuts in child care benefits between 2010 and 2012 through which 67,000 children lost access to child benefits. In total the State reduced its financial support to families with children between 2010 and 2011 by 30 per cent.[84] EU-FRA also noted that a decree adopted in June 2012 significantly reduced various benefits which had severe financial implications for families with children.[85]

56. CoE-Commissioner noted that the Ombudsman had received an increasing number of complaints relating to social protection issues between 2011 and 2012: many of these concerned the introduction of stricter accessibility conditions for a number of social benefits, including child benefits. It mentioned that in December 2011 the Ombudsman called on the authorities to simplify the rules for accessing child benefits as a matter of urgency as it appeared that the new rules had unduly deprived a number of persons of access to the benefits.[86] CoE-Commissioner urged the authorities to ensure that both austerity measures and anti-poverty policies and programmes pay specific attention to the rights of the child since children form a group that is particularly vulnerable to poverty. It called, in particular, for the State to ensure that the austerity measures do not put the progress made in the last decade in combatting child poverty at risk.[87]

57. CoE-Commissioner stated that it would be particularly important to conduct a human rights-based impact assessment of the social emergency programme and other poverty alleviation and recovery plans in Portugal, possibly through existing national human rights structures. It also recommended that policy-making on poverty prevention and alleviation should closely involve the relevant civil society organizations.[88]

58. EU-FRA referred to reports from organizations working with the homeless which indicated that the rate of homelessness had increased since the beginning of the economic crisis.[89]

59. CoE-Commissioner noted that during the winter 2011-2012 the mortality rate among the elderly had increased 10 per cent in comparison with 2011. Health professionals stated that this could not be explained by seasonal factors alone, and they considered that fiscal austerity measures had had an impact on the situation of the elderly, especially those living on small pensions. It noted the freezing of pensions, restrictions on the free transport of sick persons, as well as increases in gas, electricity and food prices as other factors affecting older persons.[90]

60. CoE-Commissioner drew attention to the need to ensure that members of social groups that are particularly vulnerable to, and affected by, fiscal austerity measures, such as children, the elderly and Roma, are identified and effectively protected by the State on the basis of impact assessments. It called for Portugal to establish clear criteria for prioritizing the social protection of these groups and set up a relevant comprehensive data collection system in accordance with internationally accepted standards.[91]

61. CoE-Commissioner was informed that the living conditions of Roma in social housing are often inadequate, as houses are built with low quality materials, in areas with no proper drainage systems. Moreover, the number of Roma families on waiting lists for social housing is disproportionately high and many of them do not meet the requirements for access to social housing through the Special Rehousing Programme as the beneficiaries of this programme were identified through a census of informal Roma settlements carried out in 1993 which no longer reflects the current situation. Recent cuts in public funding for social housing have reportedly resulted in non-implementation of many approved social housing projects and local authorities not considering new housing investments.[92]

62. CoE-Commissioner noted with concern that, due to the lack of adequate social housing, a number of Roma families continued to live in informal settlements consisting mostly of tents, makeshift shacks, huts or dilapidated concrete housing blocks. They usually lacked access to basic services such as running water, electricity and sewage systems. Additionally, a number of these settlements were located in hazardous areas, including former rubbish dumps.[93]

63. CoE, CoE-Commissioner and EU-FRA referred to the case of European Roma Rights Centre (ERRC) v. Portugal at the European Committee of Social Rights where the Committee found that the national authorities had failed to show that they had taken

sufficient measures to ensure that Roma live in housing that meet minimum standards of adequacy.[94] It also found that the implementation of re-housing programmes by municipalities had often led to the segregation of Roma populations.[95]

8. Right to health

64. JS2 made a number of recommendations related to the provision of comprehensive sexuality education (CSE) for children in order to increase young people's ability to make and implement decisions about their lives in relation to sexual health. These included making CSE a mandatory subject and training and teachers in the subject.[96]

65. JS2 made recommendations related to the protection of the health and labour rights of sex workers.[97]

9. Right to education

66. CoE-Commissioner noted that public education had been affected by austerity measures. In 2012 the Government announced that the number of pupils per class would increase and limitations on tax exemptions for education expenses were introduced. Cuts in child benefits, which many parents used for educations costs, had a particularly negative impact on education. In addition, the tightening of the budgets of local authorities resulted in less funds being available locally to support public schools.[98]

67. EU-FRA noted that less than one in 10 Roma children were reported to have completed upper-secondary education.[99]

68. EU-FRA mentioned that Roma children were especially prone to segregation in education and that they may be put in special classes or schools.[100]

69. EU-FRA noted that the go-to-school programme run by the Aliens and Borders Service encouraged migrants in an irregular situation to place their children in school.[101]

10. Persons with disabilities

70. CoE-Commissioner expressed concerned that cuts in 2012 to the budget for the purchase of technical equipment for persons with disabilities, amounting to 30 per cent of the previous budgets, would negatively affect elderly persons with disabilities.[102]

71. EU-FRA mentioned that certain NGOs had called for solutions to problems encountered by blind persons when voting.[103]

11. Minorities

72. CoE-Commissioner welcomed the adoption in January 2012 of the National Strategy for the Integration of Roma Communities for the period 2012-2020. It noted that this was the first national strategy for Roma in Portugal comprehensively to cover all areas of life in which Roma face difficulties.[104]

73. CoE-ACFC stated that cases of harassment, misconduct and abuse against persons belonging to ethnic minorities, especially the Roma, continued to be reported. Relations between the Roma and law enforcement agencies were sometimes tense and characterized by mutual distrust.[105]

12. Migrants, refugees and asylum seekers

74. EU-FRA mentioned that some asylum seekers raised the fact that they were asked to sign a receipt for a written document without understanding that it was a negative asylum decision. Some also expressed concern about the qualifications and commitment of lawyers assigned to them and/or delays in the assignment of the lawyers.[106]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

APAV	Portuguese Association for Victim *Support (Apoio à Vitima)* (Lisbon, Portugal);
IHRC	Islamic Human Rights Commission (Wembley, United Kingdom);
ILGA	International Lesbian, Gay, Bisexual and Transgender Association (*ILGA Portugal - Intervenção Lésbica, Gay, Bissexual e Transgénero*) (Lisbon, Portugal);

Joint submissions:

JS1	Joint Submission 1 by: Portuguese Family Planning Association (Associação Para o Planeamento da Família) (APF) (Lisbon, Portugal) and members of the Sexual Rights Initative coalition: Action Canada for Population and Development (ACPD), Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Coalition of African Lesbians (CAL), Creating Resources for Empowerment in Action (CREA; India), Federation for Women and Family Planning (Poland), Egyptian Initiative for Personal Rights (EIPR));
JS2	Joint Submission 2 by: Isabel Nunes, Seres (Lisbon, Portugal) and members of the Sexual Rights Initative coalition: Action Canada for Population and Development (ACPD), Akahatá – Equipo de Trabajo en Sexualidades y Géneros, Coalition of African Lesbians (CAL), Creating Resources for Empowerment in Action (CREA; India), Federation for Women and Family Planning (Poland), Egyptian Initiative for Personal Rights (EIPR)).

Regional intergovernmental organizations:

CoE	Council of Europe, Strasbourg (France). *Attachments:* (CoE-ACFC) Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Portugal, Adopted on 5 November 2009, Strasbourg, 26 April 2010, Strasbourg, 26 April 2010; (CoE-Commissioner) Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to Portugal from 7 to 9 May 2012, Strasbourg, 10 July 2012, CommDH (2012)22; (CoE-CPT) Report to the Portuguese Government on the visit to Portugal carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 16 February 2012, Strasbourg, 24 April 2013, CPT/Inf (2013) 4; (CoE-ECRI) European Commission against Racism and Intolerance (ECRI) Report On Portugal, (fourth monitoring cycle), Adopted on 21 March 2013, Published on 9 July 2013, CRI(2013)20; (CoE-ECSR(2011)) European Committee of Social Rights, Conclusions 2011 (Portugal), Articles 7, 8, 16, 17, 19, 27 and 31 of the Revised Charter, January 2012; (CoE-GRETA) Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Portugal, First evaluation round, Strasbourg,12 February 2013, GRETA(2012)17;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria).

[2] CoE-ECRI, paras. 1 and 4.

[3] EU-FRA, p.4.

[4] CoE-ECRI, para. 5.
[5] ILGA, pp. 1-2.
[6] ILGA, p. 3.
[7] CoE-Commissioner, pp. 3 and 14.
[8] CoE-ACFC, para. 35.
[9] CoE-ECRI, paras. 44-45.
[10] CoE-ACFC, para. 37.
[11] CoE-Commissioner, p. 11.
[12] CoE-ECRI, paras. 47-49.
[13] CoE-Commissioner, p. 14.
[14] CoE-ECRI, paras. 12-13.
[15] CoE-ECRI, paras. 14-15.
[16] CoE-ACFC, paras. 37 and 129.
[17] CoE-ECRI, para. 32.
[18] CoE-ECRI, paras. 68-71.
[19] CoE-ECRI, paras. 74-77 and 177.
[20] JS1, paras 7, 9.
[21] EU-FRA p.9.
[22] EU-FRA, pp.19, 23.
[23] ILGA, p. 3.
[24] JS1, para. 44.
[25] JS2, paras. 13-22.
[26] ILGA, pp. 3 and 4.
[27] JS1, para. 5.
[28] JS2, para. 12.
[29] JS1, para 47.
[30] EU-FRA, pp. 13, 19 and 20.
[31] EU-FRA, p.22.
[32] IHRC, p. 2.
[33] IHRC, p. 3.
[34] IHRC, p. 4.
[35] CoE-CPT, para. 9.
[36] CoE-CPT, paras. 33-36.
[37] CoE-CPT, paras. 93-94.
[38] CoE-CPT, para 29.
[39] CoE-CPT, para. 54.
[40] CoE-Commissioner, pp. 7 and 16.
[41] JS2, para. 23.
[42] JS2, para. 29.
[43] JS2, para. 32.
[44] JS2, para. 34.
[45] JS2, paras. 27-28 and 35-36.
[46] EU-FRA, pp. 13 and14.
[47] APAV, p. 1. See also CoE-Commissioner, p. 9.
[48] CoE-Commissioner, pp. 9 and 17.
[49] APAV, pp. 2-3.
[50] APAV, pp. 3-4.
[51] CoE-GRETA, p. 7.
[52] CoE-GRETA, p. 7.
[53] JS1, para 3.
[54] CoE-GRETA, p. 7.
[55] CoE-GRETA, p. 7.
[56] CoE-GRETA, p. 8.
[57] CoE-GRETA, p. 8.
[58] JS2, paras. 40-41.
[59] CoE-ECRI, para. 19.

[60] CoE-ECRI, para. 177.
[61] CoE-ECRI, para. 178.
[62] CoE-ACFC, paras. 38-40.
[63] CoE-ECRI, para. 26.
[64] CoE-ECRI, para. 24.
[65] CoE-ACFC, paras 14 and 129.
[66] IHRC, p. 4.
[67] IHRC, p. 3.
[68] CoE-CPT, para. 20.
[69] CoE-CPT, para. 22.
[70] CoE-CPT, para. 25.
[71] CoE-CPT, para. 23.
[72] CoE-CPT, paras. 55 and 79.
[73] APAV, pp. 2 and 4.
[74] JS1, paras. 22-24 and 39-40. See also 1° GA, pp. 2 and 3.
[75] JS1, paras. 25-29, 42-43.
[76] CoE-Commissioner, pp 11 and 12.
[77] CoE-ECRI, paras. 107-108.
[78] CoE-Commissioner, p. 4.
[79] EU-FRA, p.12.
[80] EU-FRA, p.15.
[81] CoE-ACFC, paras. 111-112 and 115-116.
[82] CoE-Commissioner, p. 4.
[83] CoE-Commissioner, p. 5.
[84] CoE-Commissioner, p. 5.
[85] EU-FRA, p.7.
[86] CoE-Commissioner, p. 5.
[87] CoE-Commissioner, pp. 6 and 16.
[88] CoE-Commissioner, p. 16.
[89] EU-FRA p. 4.
[90] CoE-Commissioner, p. 8.
[91] CoE-Commissioner, p. 16.
[92] CoE-Commissioner, p. 12.
[93] CoE-Commissioner, p. 12. See also CoE-ACFC, paras. 110 and 114-115.
[94] CoE, p.9, CoE-Commissioner, pp. 11-12, EU-FRA, p. 13.
[95] CoE-ECSR(2011), pp. 34-40.
[96] JS2, paras. 52-57.
[97] JS2, paras. 42-48.
[98] CoE-Commissioner, p. 6.
[99] EU-FRA p.15.
[100] EU-FRA, p. 8.
[101] EU-FRA, p.17.
[102] CoE-Commissioner, p. 8.
[103] EU-FRA, p.13.
[104] CoE-Commissioner, p. 10.
[105] CoE-ACFC, para. 20.
[106] EU-FRA, p.24.